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CrI.O.P.No.21781 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.21781 of 2022

Madhan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
N2 Kasimedu Police Station,
Chennai.
Crime No.185 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.185 of 2022 on the file
of the respondent Police.

For Petitioner : Mr.M.Nithiyavel

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)



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ORDER

The petitioner, who was arrested on 06.08.2022 and remanded to judicial custody on 07.08.2022 for the alleged offences punishable under Sections 399 and 402 of IPC in Crime No.185 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused were found assembled unlawfully and making preparation to commit dacoity. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and since, there are many previous cases pending against him, he has been implicated in this case. He would further submit that so far, the petitioner has not been convicted in any of the cases. He would also submit that reading of the First Information Report will show that the respondent has foisted this case against the petitioner, only to keep him under the continued detention. The learned counsel would further submit that the co-accused/ in this case have been granted with bail by the



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learned I Additional Sessions Court in Crl.M.P.Nos.15273 &15150 of 2022.

Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that petitioner is a habitual offender and he has 19 previous cases. He would further submit that as far as this case is concerned, on 06.08.2022, the petitioner along with the other accused were found assembled unlawfully and making preparation to commit dacoity. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also taking note of the fact that the co-accused has been granted with bail, this Court is inclined to grant bail to the petitioner.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned XVI Metropolitan Magistrate, George Town, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police everyday at 10.30 a.m. and 5.30p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial



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Court himself as laid down by the Hon'ble Supreme Court
in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW
5560]**;

[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC;

22.09.2022

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To

1. The XVI Metropolitan Magistrate, George Town, Chennai.
2. The Inspector of Police,
N2 Kasimedu Police Station,
Chennai.
3. The Central Prison,
Puzhal II, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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