



Crl.O.P.No.22797 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM

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

Crl.O.P.No.22797 of 2022

Bharath @ Sottai Bharath

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
E1, Mylapore Police Station,
Chennai.

(Crime No.349 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in Crime No.349 of 2022, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.M.Rajavelu

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.08.2022 for the offences punishable under Sections 147, 148, 341, 294(b), 336, 397 & 506 (2) IPC, in Crime No.349 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 waylaid the de-facto complainant, who is the Auto Driver, abused him in a filthy language and by threatening him at knife point, robbed a sum of Rs.2500 from him and when the de-facto complainant and the public had attempted to prevent the accused, the accused had pelted stones on them and paralysed the traffic. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that reading of the First Information Report would show that it is the foisted case against the petitioner. He would further submit that the petitioner was summoned under 110 Cr.P.C and he was detained. He would also submit that the petitioner has also filed a Crl.R.C.No.175 of 2022 before the learned



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Principal Sessions Court and the learned Judge by an order dated 14.09.2022 in Crl.M.P.No.17206 of 2022 granted suspension of sentence. The learned counsel would submit that only in order to keep the petitioner in continued detention, he has been implicated in this case. He would further submit that the petitioner is in custody from 24.08.2022. Hence, he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with the other accused waylaid the Auto Driver/de-facto complainant and robbed a sum of Rs.2500/- from him at knife point and have also pelted stones on the public and paralyzed the traffic. He would also submit that as against the petitioner, there are 12 previous cases which are similar in nature and hence, he opposed for grant of bail to the petitioner.



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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 including the First Information Report.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to grant bail to the petitioner.

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 XVIII Metropolitan Magistrate, Saidapet, 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;



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[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 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.

26.09.2022

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To

1. The XVIII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
E1, Mylapore Police Station,
Chennai.
3. The Central Prison - 2,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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