



Crl.O.P.No.23545 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM

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

Crl.O.P.No.23545 of 2022

Mohammed Ismail

... Petitioner

Vs.

State represented by its,
The Inspector of Police (Crime),
R-8, Vadapalani Police Station,
Chennai.

(Crime No.234 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail pending investigation in
Crime No.234 of 2022 on the file of the respondent police.

For Petitioner : Mr.C.Ganesh Pandian

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 16.08.2022, for the offence under Section 395 & 397 of IPC, in Crime No.234 of 2022, on the file of respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused trespassed into the de-facto complainant's finance and by assaulting the cashier with knife, had robbed a sum of Rs.6,93,745/- from the de-facto complainant's office. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit though the de-facto complainant has given a complaint as if the amount of Rs.6,93,745/- was robbed, later he has given an additional complaint stating that an amount of Rs.29,45,745/- was missing. He would also submit the case of financial dispute between A1 and the de-facto complainant has been falsely projected as a case of robbery. The



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learned counsel would submit that there is no bad antecedents against the petitioner and he is in custody from 16.08.2022. He would further submit that one of the co-accused/Syed Riyaz Basha in this case has been granted with bail by the learned Principal Sessions Court, Chennai in CrI.M.P.No.17454 of 2022 dated 19.09.2022 and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the respondent would submit that the petitioner is arrayed as A5 in this case. He would further submit that the petitioner along with the other accused trespassed into the de-facto complainant office and assaulted the cashier and taken away the sum of Rs.6,93,745/-. He would further submit that originally the complaint was given by the de-facto complainant in respect of robbery for a sum of Rs.6,93,745/- and later, after audit, he found that a sum of Rs.29,45,745/- was missing. He would also submit that Rs.4,00,000/- has been recovered from this petitioner alone. He would also state that there is no previous case as against this petitioner. However, he oppose 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) 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 considering that the co-accused has been granted with bail by the learned Sessions Court, this Court is inclined to grant bail to the petitioner on certain conditions.

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 XVII 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 5.30 p.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.

28.09.2022

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To

1. The XVII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police (Crime),
R-8, Vadapalani Police Station,
Chennai.
3. The Sub Jail,
Saidapet.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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