



Crl.O.P.No.24496 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

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

Crl.O.P.No.24496 of 2022

Prakash @ Kulla Prakash

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
G-1, Vepery Police Station,
Chennai.

(Crime No.266/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.266
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Sivakumar

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



WEB COPY



CrI.O.P.No.24496 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.07.2022 for the offences punishable under Sections 341, 294(b), 392, 397, 336 & 506 (ii) of IPC in Crime No.266 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner along with the other accused waylaid the de-facto complainant and abused him in a filthy language and threatened by declaring his name as Kulla Prakash and by assaulting the de-facto complainant's uncle and pelting stones on them, snatched the VIVO -Y15 mobile from the de-facto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has got some previous cases and the present case has been foisted by the respondent against the petitioner, only in order to initiate the proceedings under Section 111 Cr.P.C. He would further submit that the



Crl.O.P.No.24496 of 2022

petitioner has been detained by the respondent pursuant to the order passed by the Deputy Commissioner of Police, Kilpauk from 12.08.2022 to 20.04.2023, whereas, by an order dated 29.08.2022 in Crl.M.P.No.15825 of 2022 in Crl.Rc.No.154 of 2022, the learned III Additional Sessions Judge, Chennai, has granted suspension of sentence and he would also submit that very reading of the First Information Report will show that the case has been foisted only to keep the petitioner in continued detention. He would further submit that he is ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is habitual offender, against whom there are 13 previous case, out of which 4 are similar in nature. He would further submit that as far as this case is concerned the petitioner along with the other accused waylaid the de-facto complainant and by abusing and assaulting him, snatched a mobile phone from him. Hence, he would oppose to grant bail to the petitioner.



Crl.O.P.No.24496 of 2022

WEB COPY

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record, including the First Information Report.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with 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 blood sureties**, (who should produce the document to show his/her means), each for a like sum to the satisfaction of the **learned II Metropolitan Magistrate, Egmore, 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;



Crl.O.P.No.24496 of 2022

[b] the petitioner shall report before the Deputy Commissioner of Police, Kilpauk, 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.

11.10.2022

ham



Crl.O.P.No.24496 of 2022

WEB COPY

To

1. The II Metropolitan Magistrate,
Egmore,
Chennai.
2. The Deputy Commissioner of Police,
Kilpauk.
3. The Inspector of Police,
G-1, Vepery Police Station,
Chennai.
4. The Central Prison.
Puzhal, Chennai.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.24496 of 2022

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.24496 of 2022

11.10.2022