



Crl.O.P.No.25465 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

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

Crl.O.P.No.25465 of 2022

Karthikeyan @ Pokka Karthik

... Petitioner

Vs.

State rep. by,
The Inspector of Police,
Marakkanam Police Station,
Marakkanam,
Villupuram District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail, in Crime No.288 of 2022 pending
investigation on the file of the respondent Police.

For Petitioner : Mr.E.Kannadasan for
Mr.M.Machavatharan

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 09.08.2022, for the offences punishable under Sections 294(b), 341, 332, 353, 506(ii) & 307 of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.288 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receipt of secret information, when the defacto complainant along with the Police party conducted search, the petitioner along with the other accused was found in making preparation to commit robbery and the defacto complainant attempted to apprehend the accused, the petitioner along with the other accused attempted to commit murder of the defacto complainant and also caused damages to the Police vehicle. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and since, he has got 5 previous cases, the



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respondent police have foisted a case against him to keep the petitioner in continued detention. He would also submit that in all the earlier cases, the petitioner has been enlarged on bail. He would also state that the entire case is foisted and perusal of the FIR would show that it is a foisted case. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner is a habitual offender and when the petitioner along with the other accused was making preparation to commit robbery, the defacto complainant along with his party had attempted to apprehend them, they had abused the Police party and assaulted them and also caused damages to the Police vehicle. He would further submit that there are 5 previous cases as against the petitioner and out of which, one case is of similar nature. However, he vehemently opposed to grant bail to the petitioner.

5. At this juncture, in reply, learned counsel for the petitioner would submit that the petitioner is only aged 23 years and he is prepared to abide by any stringent conditions that may be imposed by this Court. Therefore, he



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prays for grant of bail to the petitioner.

6. Heard both the learned counsel and perused the materials available on record.

7. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

8. 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 Judicial Magistrate II, Tindivanam**, 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 stay at Arakkonam and



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report before the Inspector of Police, Town Police Station, Arakkonam, daily at 10.30 a.m., and 05.30 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.

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1. The Judicial Magistrate II,
Tindivanam.
2. The Inspector of Police,
Marakkanam Police Station,
Marakkanam,
Villupuram District.
3. The Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.

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