



Crl.O.P.Nos.26711 & 26737 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.26711 & 26737 of 2022

Karthik @ Youtube Karthik

... Petitioner in Crl.O.P.No.26711 of 2022

Chandru @ Buttmedu Chandru

... Petitioner in Crl.O.P.No.26737 of 2022

Vs.

The State represented by,
The Inspector of Police,
K5, Peravallur Police Station,
Villupuram District.

(Crime No.338 of 2022)

... Respondent in Both Crl.O.P.Nos.

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners on bail in Crime No.338 of 2022 pending on the file of the respondent.

In Crl.O.P.No.26711 of 2022,

For Petitioner : Mr.P.Chandra Sekar

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



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In Crl.O.P.No.26737 of 2022,

For Petitioner : Mr.K.Chandru

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

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 12.08.2022 and 11.08.2022 respectively, for the offences punishable under Sections 294(b), 336, 427, 397, 506(ii) of IPC, in Crime No.338 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with the other accused went to the de-facto complainant's hotel, bought parcels and when the de-facto complainant asked money for the same, the accused abused him in a filthy language and threatening him at knife point taken Rs.3500/- from him and threatened him with dire consequences. The accused have also threatened the public and created fear and nuisance and run away from the scene of occurrence. Hence, the case.



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3. The contention of the learned counsel appearing for the petitioners is that the petitioners are arrayed as A2 and A1 respectively and since, they have got some previous cases, this present case has been foisted against them. Earlier, the petitioners were detained as Goonda under Act 14 pursuant to the proceedings of the Commissioner of Police, Greater Chennai, however, now the detention orders revoked by the Government of Tamil Nadu in G.O.Rt.Nos.6909 & 6908, Home, Prohibition and Excise (XIII) Department dated 20.10.2022 respectively. The learned counsel further submitted that the petitioners are in prison from 12.08.2022 and 11.08.2022 respectively and therefore, they seeks for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioners are the history sheeted rowdies, having several previous cases in and around various other police stations and as far as this case is concerned, they threatened the shop owner and also abused him in a filthy language, by brandishing knife taken away a sum of Rs.3500/- from him and they have also caused fear in the minds of public. He further submitted that the petitioners are menace to the society. He fairly submitted that their detention orders stand revoked and also submitted that it



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would not pave way for grant of bail to them. Hence, he vehemently opposed for grant of bail to the petitioners.

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

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel and taking note of the fact that the petitioners' detention orders have already been revoked and also considering their period of incarceration, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Metropolitan Magistrate V, Egmore**, and on further conditions that:



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[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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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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To

1. The Metropolitan Magistrate V,
Egmore, Chennai.
2. The Inspector of Police,
K5, Peravallur Police Station,
Villupuram District.
3. The Central Prison,
Puzhal.
4. The Central Prison - II,
Puzhal.
5. The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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