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CrI.O.P.No.28300 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM

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

CrI.O.P.No.28300 of 2022

Karthik

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Mangadu Police Station,
Kancheepuram District.

(Crime No.829 of 2022)

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime
No.829 of 2022, on the file of the respondent.

For Petitioner : Mr.R.Sasikumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.10.2022 for the offences punishable under Sections 294(b), 323, 392, 397, 506(ii) and 34 of IPC in Crime No.829 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Mohammed Abrar is that on 12.10.2022, the petitioner along with the other accused have entered into the de-facto complainant's shop and demanded rowdy mamool. When the de-facto complainant refused to pay, the accused, by abusing him in a filthy language and by threatening him at knife point, robbed a sum of Rs.650/- from him. Hence the case.

3. The learned counsel appearing for the petitioner submitted that this is the second bail petition before this Court and the earlier bail petition was dismissed as withdrawn. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner was earlier involved in a case in Crime No.1534



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of 2020 registered on the file of the same respondent, pursuant to the same, the respondent summoned the petitioner, since the petitioner did not appear before the respondent, a false case has been registered against him. He also stated that the petitioner is in custody from 12.10.2022 and the co-accused in this case has been granted bail by the lower Court in Crl.M.P.No.1653 of 2022 dated 14.11.2022, hence, he prayed for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, who is arrayed as A2 in this case along with the other accused have entered into the de-facto complainant's shop and demanded rowdy mamool and by abusing him in a filthy language and by threatening him at knife point, robbed a sum of Rs.650/- from him. He further submitted that other than the present case, 4 cases are pending as against the petitioner, hence, he opposed to grant bail to the petitioner.

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



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6. Taking into consideration the facts and the circumstances 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 sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Sriperumandur**, 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 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;



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[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.

18.11.2022

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To

1. The Judicial Magistrate Sriperumandur.
2. The Inspector of Police,
Mangadu Police Station,
Kancheepuram District.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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