



Crl.O.P.No.28592 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM

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

Crl.O.P.No.28592 of 2022

Surendhar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
M5 Ennore Police Station,
Chennai.

(Crime No.616/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with Crime No.616 of
2022 on the file of the respondent Police.

For Petitioner : Mr.S.Senthilvel

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



Crl.O.P.No.28592 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.10.2022, for the offences punishable under Sections 341, 294(b), 336, 392, 397 and 506(ii) IPC, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant Suresh is that on 12.10.2022, while he was coming in his auto, the accused waylaid him and demanded money from him and thereafter, by threatening him at knife point, robbed a sum of Rs.2,400/- from him. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner, aged about 24 years, is an innocent person and he has been falsely implicated in this case. He further submitted that the fact remains is that the petitioner has got 7 previous cases which are registered in the same respondent Police Station and since, in order to curtail his activities, a false complaint has been foisted as against him and it is the stereotype case. He also stated that the petitioner is in custody from 14.10.2022 and he is ready



Crl.O.P.No.28592 of 2022

to abide by any stringent conditions that may be imposed by this Court, hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is a history sheeted rowdy against whom 7 previous cases are pending. He further submitted that as far as this case is concerned, the petitioner along with the other accused waylaid the de-facto complainant and by abusing him in a filthy language, robbed a sum of Rs.2400/- from him at knife point, hence, he opposed to grant bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and taking note of the contents in the FIR and also considering the age of the petitioner, this Court is inclined to grant bail to the petitioner.



Crl.O.P.No.28592 of 2022

WEB COPY

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** (out of which, one surety should be either father or mother of the petitioner and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate, Thiruvottiur**, 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;

[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



Crl.O.P.No.28592 of 2022

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.

23.11.2022

ham

To

1. The Judicial Magistrate,
Thiruvottiyur.
2. The Inspector of Police,
M5 Ennore Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.28592 of 2022

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.28592 of 2022

23.11.2022