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Crl.O.P.No.28820 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2022

CORAM

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

Crl.O.P.No.28820 of 2022

Madhavan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Peralam Police Station.

(Crime No.367/2022).

... 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.367
of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Muthukrishnan

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 21.10.2022, for the offences punishable under Sections 395, 294(b) & 506(ii) IPC, in Crime No.367 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant Sathesh is that on 27.07.2022, at about 4.00 p.m., while he was on the way to his home, the accused waylaid him and by abusing him in a filthy language and robbed a sum of Rs.200/- and a Nokia mobile phone from him and they have also intimidated him. The further allegation against the accused is that when the de-facto complainant followed the accused, he had seen that the accused were celebrating birthday by cutting cake with machete and thereby, instilled fear in the passers by. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that when the petitioner and his friends were



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celebrating the birthday party, there was a quarrel with the de-facto complainant, thereby a false complaint has been given. He further submitted that very reading of the First Information Report would show that this is the foisted case registered only in order to detain the petitioner and the other accused under Act 14. He further submitted that the petitioner is in custody from 21.10.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court, hence, he prayed to grant bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, who is arrayed as A1 in this case, has got two previous cases. He further submitted that the accused have waylaid the de-facto complainant and by abusing him and by threatening him at knife point robbed a sum of Rs.200/- and a mobile phone from him and thereafter, they have also celebrated a birthday party by cutting cake with machete in the manner of instilling fear in the minds of the public. He also submitted that the amount and the phone were recovered from the accused, however, he vehemently opposed to grant bail to the petitioner.



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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 and circumstances of the case and the submissions made by the learned counsel and considering the period of incarceration undergone by the petitioner and also taking note of the contents in the First Information Report, 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 Court, Nannilam**, 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;



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[b] the petitioner shall stay at Chengalpattu and report before the Inspector of Police, Chengalpattu Town Police Station, everyday at 10.30a.m., and 05.30p.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 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.

24.11.2022

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To

1. The Judicial Magistrate,
Nannilam.
2. The Inspector of Police,
Peralam Police Station.
3. The Sub Jail,
Nannilam.
4. The Inspector of Police,
Chengalpattu Town Police Station,
Chengalpattu.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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