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CrI.O.P.No.29644 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM

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

CrI.O.P.No.29644 of 2022

Rajesh @ Katteri Rajesh

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Thiruvanmiyur Police Station,
Chennai District.
(Crime No.330 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.330 of 2022 on the file
of the respondent police pending investigation.

For Petitioner : Mr.Syed Nizamuddin Ahmed Hussaini

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 17.09.2022, for the offences punishable under Sections 341, 294(b), 392, 397 and 506(2) of IPC, in Crime No.330 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner waylaid the *de-facto* complainant, who was returning home back from his work, by threatening him at knife point, robbed a sum of Rs.700 from him and also threatened the general public. Hence the case.

3. The learned Counsel for the petitioner would submit that this is the 2nd petition for bail and the earlier petition for bail in Crl.O.P.No.27223 of 2022 was dismissed on 09.11.2022 stating that the petitioner has got 6 previous cases including the offences under Sections 302 & 307 of IPC. He would submit that in those cases, in respect of cases registered for the offences under Sections 302 of IPC, in S.C.No.140 of 2014 and also in



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another case in C.C.No.126 of 2018, he has been acquitted. He would further submit that the petitioner is in custody from 17.09.2022 for the past 76 days and he is ready to abide by any stringent condition that may be imposed on him. Hence, 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 an habitual offender and he had robbed from the *de-facto* complainant a sum of Rs.700/- while he was returning from his work. Hence, he opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that from the reading of the First Information Report would show that since the petitioner has got previous cases, the present case has been falsely foisted against him to keep him under custody.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.



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7. Taking into consideration the facts and submissions and also the period of incarceration of 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 **learned XVIII Metropolitan Magistrate, Chennai**, 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 6.30 p.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.

01.12.2022

mpl



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A.D.JAGADISH CHANDIRA.,J.

mpl

To

1. The XVIII Metropolitan Magistrate,
Chennai.
2. The Inspector of Police,
Thiruvanmiyur Police Station,
Chennai District.
3. Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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