



Crl.O.P.No.29429 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

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

Crl.O.P.No.29429 of 2022

Asaithambi

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
MKB Nagar Police Station,
Chennai.
(Crime No.419 of 2022)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C., pleased to enlarge the petitioner on bail pending investigation in Crime No.419 of 2022 on the file of the respondent Police.

For Petitioner : Mr.Premkumar

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 14.07.2022, for the offences punishable under Sections 341, 294(b), 323, 397, 506(ii) IPC, in Crime No.419 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Ajay Kumar, is that on 29.05.2022, the accused had waylaid him and asked money to drink and when the de-facto complainant refused, the accused had assaulted him and robbed a sum of Rs.1000/- from him at knife point. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped-in in this case. He further submitted since he has got previous cases, the respondent has implicated the petitioner in this case. He also submitted that the petitioner was arrested on 14.07.2022 and he is in custody for more than 90 days and the respondent has not filed the charge sheet till date. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the



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respondent submitted that the petitioner along with the other accused waylaid the de-facto complainant and asked him money to drink and when the de-facto complainant refused, the accused had assaulted him and robbed a sum of Rs.1000/- from him at knife point. He also submitted that so far the charge sheet has not been filed. He also stated that the petitioner has got 9 previous cases. Hence, he oppose for grant of 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.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the fact that though it is stated that the petitioner has got 9 previous cases, the respondent has not taken any steps to file the charge sheet till date, thereby, enabling the petitioner for grant of bail under Section 167(2) Cr.P.C., this Court is inclined to grant bail to the petitioner.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties** , each for a like sum to the satisfaction of the **learned X Metropolitan Magistrate, Egmore, 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 10.30 a.m., for a period of four weeks and thereafter, every Saturday at 10.30 a.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



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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.

30.11.2022

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To

1. The X Metropolitan Magistrate,
Egmore, Chennai.
2. The Sub-Inspector of Police,
MKB Nagar Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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