



WEB COPY



CrI.O.P.No.30190 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2022

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.30190 of 2022

Jana @ Janarthanan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
C-3, Seven Wells Police Station,
Chennai.

(Crime No.282/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.282
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.A.Vinoth Kumar

For Respondent : Mr.S.Vinoth KUMar
Government Advocate (CrI.Side)



WEB COPY



CrI.O.P.No.30190 of 2022



WEB COPY



Crl.O.P.No.30190 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.11.2022 for the offences punishable under Section 379 of IPC in Crime No.282 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused who came in a two wheeler had waylaid the defacto complainant and snatched the cellphone from him and fled away from the scene of occurrence. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant bail to the petitioner.

4.The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with other accused had waylaid the defacto complainant and snatched the cellphone from him. He



Crl.O.P.No.30190 of 2022

would further submit that there are three previous cases pending against the petitioner. He would also submit that the property is yet to be secured. Hence, he vehemently opposed for grant of bail to the petitioner.

5.In reply, the learned counsel for the petitioner would submit that out of three cases, in the case in Crime No.324 of 2022, the petitioner has been granted bail by the learned Principal Sessions Judge, Chennai in Crl.M.P.No.21850 of 2022. He would also submit that the petitioner, without prejudice to his rights and contentions is ready and willing to deposit a sum of Rs.10,000/- to the credit of the Cr.No.282 of 2022. Hence, he seeks for grant of bail to the petitioner

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

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and taking note of the fact that the petitioner without prejudice to his rights and contentions is



CrI.O.P.No.30190 of 2022

ready and willing to deposit a sum of Rs.10,000/- to the credit of the Cr.No.282 of 2022 this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to **deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No. 282 of 2022** and on such deposit, 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 VIII Metropolitan Magistrate Court, George Town, 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 on every Wednesday at 10.30 a.m. for a period of three months and thereafter, appear before the trial Court on all hearing dates;

(c) the defacto complainant is permitted to withdraw the said deposit amount of Rs.10,000/- (Rupees



Crl.O.P.No.30190 of 2022

WEB COPY

Ten Thousand Only) on proper identification and acknowledgment;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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]***; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

07.12.2022

vkrr

To

- 1.The VIII Metropolitan Magistrate,
George Town, Chennai.
- 2.The Inspector of Police,
C-3, Seven Wells Police Station,
Chennai.



WEB COPY



Crl.O.P.No.30190 of 2022

T.V.THAMILSELVI,J.

vkrr

3. The Central Prison II,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.30190 of 2022

07.12.2022