



Crl.O.P.No.30609 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.12.2022

CORAM :

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

Crl.O.P.No.30609 of 2022

Saithaan Sugu @ Sugu @ Sugumar,
S/o.Munusamy

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
H-1, Washermanpet Police Station,
Chennai.
(Crime No.726 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.726 of 2022 on the file of respondent police.

For Petitioner : Mr.M.Illiyas

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.11.2022 for the alleged offence punishable under Sections 399 of I.P.C. in Crime No.726 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that on 12.11.2022 about 3.30 hours, when the defacto complainant was present in SOC area, the petitioner and five others said to have planned to commit dacoity with knife on the date of occurrence and on seeing the defacto complainant, they escaped from the spot. Hence, the complaint.

3. The learned counsel appearing for petitioner would submit that he is an innocent person and he is no way connected with the offence. He would submit that has been falsely implicated in the present case. He would submit that he is in custody for more than 30 days from 12.11.2022. Hence, he prayed to grant bail to the petitioner.



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4. The learned Additional Public Prosecutor appearing for the respondent would submit that there are 18 previous cases similar in nature pending against the petitioner and the co-accused were released on bail. He would submit that on the date of occurrence, the petitioner along with other accused unlawfully assembled with deadly weapons and planned to commit dacoity in a jewellery shop. He would submit that the investigation is almost completed. He would submit that if he is released on bail, he would hamper the investigation and tamper the witnesses. Hence, he opposed to grant bail to the petitioner.

5. Considering the fact that the investigation is almost completed and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten



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Thousand only) with two sureties each for a like sum to the satisfaction of the **learned XV Metropolitan Magistrate, 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 learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioner shall stay at Salem and report before the Hasthampatty Police Station, Salem daily at 10.30 a.m. for the period of two months ;

(c) the petitioner shall not commit any offences of similar nature;

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

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



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(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

13.12.2022

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To

- 1.The XV Metropolitan Magistrate,
George Town, Chennai.
- 2.The Inspector of Police,
H-1, Washermanpet Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal,
Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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