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CrI.O.P.No.30908 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2022

CORAM

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

CrI.O.P.No.30908 of 2022

Arumugam

s/o Sadharam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
V4 Rajamangalam Police Station,
Chennai.

(Crime No.804/2022).

... 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.804
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.G. Cheran

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.10.2022 for the alleged offences punishable under Section 399 of IPC in Crime No.804 of 2022, seeks bail.

2. The case of the prosecution is that when the respondent police was on the routine patrol, they found that the petitioner along with accused were making preparation for committing dacoity and they were in possession of deadly weapons. Hence, the respondent police registered the complaint against the petitioner and other accused.

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 would also submit that the petitioner is in custody from 16.10.2022 . Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (CrI.Side) submitted that the petitioner along with other accused were in possession of deadly weapons



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and they were planning to commit robbery and cause disturbance to the general public. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.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 period of incarceration undergone by the petitioner, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned XIII Metropolitan Magistrate Court at Egmore, Chennai** and on further conditions that:

[a] if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] the sureties shall affix their photographs and



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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;

[c] the petitioner shall report before the respondent police every daily at 10.30 a.m., for a period of three months;

[d]the petitioner shall not tamper with evidence or witness during trial;

[e]the petitioner shall not abscond during 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.

20.12.2022

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To

- 1.The XIII Metropolitan Magistrate Court at Egmore, Chennai
- 2.The Inspector of Police,
V4 Rajamangalam Police Station,
Chennai.
- 3.The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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T.V.THAMILSELVI,J.

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