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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2022

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THE HONOURABLE **MRS. JUSTICE T.V.THAMILSELVI**

CRL.O.P.No.31837 of 2022

Mugilan

... Petitioner

Versus

State Rep by
The Inspector of Police,
Auroville Police Station,
Villupuram District.
(Crime No.233 of 2022)

... Respondent

Prayer:-Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in connection with Crime No.233 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Anburaja

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.10.2022 for the offence under Sections 147, 148, 341, 294(b), 506(ii), 427, 394 and 397 of IPC in Crime No.233 of 2022 on the file of the



respondent police seeks bail.

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2. The case of the prosecution is that the the petitioner along with other accused have intercepted who came in two wheelers at knife threat and demanded money and robbed their cell phones and also threatened them with dire consequences. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. Based on the confession statement, the petitioner was falsely implicated in this case and his name also not registered in FIR. 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 along with other accused intercepted the people who are coming in two wheeler at knife point demanded money and committed robbery and also robbed their cell phones. He would further submit that the petitioner has three previous cases against him one among is under Section 307 IPC. Hence he vehemently opposed to



grant bail to the petitioner.

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5. Considering the facts and the circumstances of the case and also considering that the investigation is almost completed, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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 (one surety shall be a blood surety)**, each for a like sum to the satisfaction of **Judicial Magistrate, Vanur, Villupuram District**, and on further conditions that:

[a] the petitioner and 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 is shall stay at Dindugal and report before the Town Police Station, Dingugal, daily at 10.30 a.m for a period of two weeks and thereafter report before the respondent police on every Sunday at 10.30 a.m for a period of three months.**

[c] the petitioner shall not communicate with the victim though any mode till the disposal of the case.

[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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

22.12.2022

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Copy to:

1. The Judicial Magistrate,
Vanur, Villupuram District.
2. The Inspector of Police,
Auroville Police Station,
Villupuram District.
3. The Central Prison, Cuddalore.
4. The Public Prosecutor,
Madras High Court,
Chennai.



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T.V.THAMILSELVI, J.

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