



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM:

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

Crl.O.P.No.31809 of 2022

1.Praveen

2.Yuvaraj

...Petitioners

Vs.

State rep. by
The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai-600 021.
(Crime No.751 of 2022)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner/accused on bail in Crime No.751 of 2022 on the file of the respondent police.

For petitioner : Mr.S.Prabudoss

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 28.11.2022 for the offence under Sections 399 and 402 IPC, in Crime No.751 of 2022, on the file of the respondent police seeks bail.



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2. The case of the prosecution is that on 28.11.2022, when the complainant along with his team doing patrol at J.J.Nagar and surrounding areas, the petitioners along with other accused persons were planning to commit robbery and dacoity with deadly weapons. Hence the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated as accused in this case. He would further submit that there are totally ten accused in this case in which the petitioners are arrayed as A4 and A5 and the petitioners having one previous case as against them. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that there are totally ten accused in this case in which the petitioners are arrayed as A4 and A5, they along with other accused were attempting to commit robbery and dacoity with deadly weapons. He would further submit that the petitioners have one previous case similar in nature. Hence, he vehemently opposed to grant bail to the petitioners.



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5. Considering the facts and circumstances of the case, and also taking note of the fact that investigation is completed, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned XV Metropolitan Magistrate, G.T.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 petitioners shall stay at Thiruvannamalai, and report before the Town Police Station, Thiruvannamalai, daily at 10.30 a.m for a period of six weeks.

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

[d]the petitioner shall not abscond during investigation/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 Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

[f]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

22.12.2022

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To

- 1.The XV Metropolitan Magistrate, G.T.Chennai.
- 2.The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai-600 021.
- 3.The Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.

T.V.THAMILSELVI,J.



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