



Crl.O.P.No.2709 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.02.2023

CORAM :

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

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1. R.Amutha,
D/o. Ravi

2. G. Rathinam,
S/o.Ganesan

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
B1 North Beach Police Station,
Chennai.
(Crime No.8 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.8 of 2021 pending on the file of respondent police.



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For Petitioner : Mr.C.Ganesh Pandian
For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl.Side.)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.12.2022 for the alleged offence under Sections 379 of I.P.C. in Crime No.8 of 2021 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 07.01.2021, these petitioners waylaid the defacto complainant and said to have stolen away a sum of Rs.5,15,000/- and also a cell phone from his shoulder bag. Hence, the complaint was registered against the petitioners.

3. The learned counsel appearing for petitioners submitted that the entire allegation is false, vindictive, wanton and they are no way connected with the offence. He would submit that they have not at all committed any of offence as alleged by the respondent police and they have been falsely implicated in this case and they will abide by any



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condition imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 53 days from 16.12.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that on the date of occurrence, these petitioners waylaid the defacto complainant and stolen away a sum of Rs.5,15,000/- and a cell phone from his shoulder bag. He would submit that if they are released on bail, they would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances, and also considering the fact that the case is of the year of 2021, and also the fact that now the investigation almost completed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:



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6. Accordingly, the petitioners are **directed to deposit a sum of Rs.50,000/- (Rupees fifty thousand only) each into the credit of Crime No.8 of 2021 before the concerned Magistrate from the date on which this order is made ready and the defacto complainant temple is permitted to withdraw the said amount** and on such deposit, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned VII 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 petitioners shall report before the respondent police on every Thursday at 10.30 a.m. for another period of three months;

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

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



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

(f) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

08.02.2023

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To

1. The VII Metropolitan Magistrate, George Town, Chennai.
2. Inspector of Police, B1 North Beach Police Station, Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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