



Crl.O.P.No.3455 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2023

CORAM :

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

Crl.O.P.No.3455 of 2023

G.Abisheik,
S/o.Ganesan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
P-5 M.K.B. Nagar Police Station,
Chennai.
(Crime No.25 of 2023)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.25 of 2023 pending on the file of respondent police.

For Petitioner : Mr.B.Kalaiahasan

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 13.01.2023 for the alleged offence under Sections 147, 148, 341, 294(b), 323, 395, 506(ii) of I.P.C. in Crime No.25 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 10.01.2023 around 19.25 hrs., when the defacto complainant went to a tiffin shop in his bike, the petitioner along with other accused came in two wheeler, waylaid him and abused him and also attacked him in hands, thereby they said to have robbed his bike and threatened him with dire consequences. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that the entire allegation is false, vindictive, wanton and he is no way connected with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and he has been falsely implicated in this case and he will abide by any condition that may be imposed by this court. He would further submit that the investigation is



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almost completed and that the petitioner has been suffering incarceration for more than 32 days from 13.01.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that there are 8 accused involved in this case and the petitioner is arrayed as A1 and one previous case pending against him. He would submit that on the date of occurrence, the petitioner along with other accused waylaid the defacto complainant, abused him and also attacked him in hands and robbed his bike and a mobile phone and threatened him with dire consequences. He would submit that now the property was recovered. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and the fact that now the property was recovered from them and also considering the



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period of incarceration undergone 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 Thousand only) with two sureties each, for a like sum to the satisfaction of the **learned X Metropolitan Magistrate, Egmore, 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 Cuddalore and report before the Inspector of Police, Thirupapuliur Police Station daily at 10.30 a.m. for a period of one month;

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

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



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(e) the petitioner 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 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.

15.02.2023

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To

1. The X Metropolitan Magistrate,
Egmore, Chennai.
2. Inspector of Police,
P5 M.K.B. Nagar 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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