



Crl.O.P.No.3875 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2023

CORAM :

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

Crl.O.P.No.3875 of 2023

1. Adhitya,
S/o. Ganesan

2. Vignesh,
S/o. Ganesan

.. Petitioners

Vs.

State represented by
The Inspector of Police,
T-4 Maduravoyal Police Station,
Chennai Dt.
(Crime No.40 of 2023)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of

Cr.P.C. praying to enlarge the petitioners on bail in Crime No.40 of 2023

on the file of respondent police.

For Petitioners : Mr.A.Samson

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

ORDER



Crl.O.P.No.3875 of 2023

WEB COPY

The petitioners, who were arrested and remanded to judicial custody on 23.01.2023 for the alleged offence under Sections 341, 294(b), 336, 427, 392, 397 and 506(ii) of I.P.C. in Crime No.40 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 23.01.2023 around 05.15 a.m., when the defacto complainant was going nearby Madhuravoyal Market Road, near a tea shop, the petitioners said to have waylaid him and at knife point, robbed a sum of Rs.1560/- and a cell phone from him and also criminally intimidated him and escaped from there in their two wheeler. Hence, the complaint was registered against the petitioners.

3. The learned counsel for the petitioners submitted that they have not at all committed any offence as alleged by the respondent police and they are no way connected with the offence. He would submit that they have been falsely implicated in this case for statistical purpose. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 38 days from 23.01.2023. Hence, he prayed to grant bail to the petitioners.



Crl.O.P.No.3875 of 2023

WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are two accused involved in this case and both are having two previous cases pending against them. He would submit that on the date of occurrence, they waylaid the defacto complainant and at knife point, robbed a sum of Rs.1,560/- and a cell phone from him and also criminally intimidated him and subsequently, the property was recovered from them. He would also submit that if they are released on bail, they will 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 investigation almost completed and the fact that the property was recovered from them and also on considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:



CrI.O.P.No.3875 of 2023

WEB COPY

6. Accordingly, 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, for a like sum to the satisfaction of the **learned II Judicial Magistrate, Poonamallee**, 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 daily at 10.30 a.m. for period of two months ;

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

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

(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



CrI.O.P.No.3875 of 2023

WEB COPY

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.

03.03.2023

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To

1. The II Judicial Magistrate,
Poonamallee.
2. Inspector of Police,
T-4 Maduravoyal Police Station,
Chennai Dt.
3. The Superintendent of Prison,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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CrI.O.P.No.3875 of 2023

T.V. THAMILSELVI, J.

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CrI.O.P.No. 3875 of 2023

03.03.2023