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CrI.O.P.No.5166 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.5166 of 2023

Appu @ Vigneshwar

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
H-5, New Washermenpet Police Station,  
Chennai.

(Crime No.57 of 2023).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the petitioner on bail, in connection with the Crime No.57  
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Dineshkumar

For Respondent : Mr.S.Sugendran  
Additional Public Prosecutor



CrI.O.P.No.5166 of 2023

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## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 06.02.2023, for the offences punishable under Sections 294(b), 397 & 506(ii) of IPC, in Crime No.57 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant is that the accused has demanded a sum of Rs.300/- from him and when the *de-facto* complainant refused to give the money, the accused abused him in a filthy language and robbed a sum of Rs.400/- from him at knife point. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he has got some previous cases. He further submitted that in order to curtail the petitioner's activities, the respondent has foisted this case against the petitioner. He also submitted the the petitioner is in custody from 06.02.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.



CrI.O.P.No.5166 of 2023

WEB COPY

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner has abused the de-facto complainant for not giving the money and robbed a sum of Rs.400/- from the him at knife point. He further submitted that 16 previous cases are pending against this petitioner, hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five**



CrI.O.P.No.5166 of 2023

**Thousand only) with two sureties** (out of which, one should be the blood surety, who should produce document to show his/her means), each for a like sum to the satisfaction of the **learned XV 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

**[b] the petitioner shall report before the respondent Police, everyday at 6.30 p.m., until further orders;**

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or 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]*;



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CrI.O.P.No.5166 of 2023

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

**06.03.2023**

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To

1. The XV Metropolitan Magistrate Court,  
George Town, Chennai.
2. The Inspector of Police,  
H-5, New Washermenpet Police Station,  
Chennai.
3. The Central Prison,  
Puzhal.
4. The Public Prosecutor,  
High Court of Madras.



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Crl.O.P.No.5166 of 2023

**A.D.JAGADISH CHANDIRA.,J.**

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**06.03.2023**