



Crl.O.P.No.5095 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM

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

Crl.O.P.No.5095 of 2023

R.Vinoth Perumal

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Redhills Police Station,
Thiruvallur District.

(Crime No.37 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime No.37
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Chandrasekar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.01.2023 for the offences under Section 341, 294(b), 397, 506(ii) of IPC, in Crime No.37 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant/ Masanamuthu, is that on 24.01.2023, while he was standing near Nallazhagu Polytechnic College, the accused by stating that they are bad persons in the area, had threatened him at knife point and robbed a sum of Rs.780/- from him. When the defacto complainant had raised his voice, the public had come to save him and the accused have threatened the public with knife. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. He would further submit that the fact remains that the petitioner has got some previous cases against him and only in order to put the petitioner under fetters, the respondent has registered a false case against the petitioner. He would further submit that the petitioner has been granted bail, in respect



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of other cases registered against him. He would further submit that the very reading of the FIR would shows that it is a foisted case and even as per the FIR, the defacto complainant has stated to be a stranger and the petitioner and others stated to have disclose their names and threatened the de-facto complainant. He would also submit that the petitioner is in judicial custody from 24.01.2023 and hence, he seeks for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that on 24.01.2023, at about 7.45 a.m., the petitioner had waylaid the defacto complainant and robbed an amount of Rs.780/- at knife point from his pocket. He further submitted that there are five previous cases pending against the petitioner, out of which, three cases are similar nature. Hence, he opposed for grant of bail.

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.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and the period of incarceration undergone by the petitioner, 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.10,000/- (Rupees Ten 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 Judicial Magistrate No.II, Ponneri** 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, daily twice at 10.30 a.m and 5.30 p.m., until further orders ;

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



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[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]***;

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

14.03.2023

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To

- 1.The Judicial Magistrate No.II,
Ponneri.
- 2.The Inspector of Police,
Redhills Police Station,
Thiruvallur District.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

vkr

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