



Crl.O.P.No.5296 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

CORAM

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

Crl.O.P.No.5296 of 2023

Viswanathan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram District.

(Crime No.121 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.121 of 2023, pending on the file of respondent Police.

For Petitioner : Mr.N.U.Pressana

For Respondent : Mr.C.E.Pratap
Government Advocate (crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.02.2023 for the offences punishable under Section 397 of IPC in Crime No.121 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant Tamilpandiyan is that on 17.02.2023, the accused have waylaid him and by stating that they are accused in several cases in Panruti and Villupuram and also by stating that the public will be afraid of seeing them, threatened him with knife and robbed a sum of Rs.1,100/-. Hence the case.

3. The learned counsel for the petitioners 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 is that there are several cases pending against the petitioner before the respondent police station and he has been granted bail in all those cases and only in order to put the petitioner under fetters, the respondent has registered a false case against him. He would further submit that the very reading of the First Information Report would go to show that the present case is a foisted one. He would also



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submit the petitioner is in judicial custody from 17.02.2023 and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is a habitual offender, against whom, there are four cases, pending. As far as this case is concerned, the petitioner has waylaid the defacto complainant, threatened him with knife and robbed a sum of Rs.1,100/- from him. Hence, he opposed for grant of bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6.Taking into consideration the facts of the case and the submissions made by the either side and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Villupuram** 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 at 9.00 a.m and 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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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

23.03.2023

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To

1. The Judicial Magistrate No.I,
Villupuram.
2. The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram District.
3. The Vedampettu Prison,
Villupuram.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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