



Crl.O.P.No.5773 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.03.2023

CORAM :

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

Crl.O.P.No.5773 of 2023

V.Sathyaseelan,
S/o.Vellaiyan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Semmanchery Police Station,
(Crime No.46 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.46 of 2023 pending on the file of respondent police.

For Petitioner : Mr.Balaji Sankara Moorthy

For Respondent : Mr.Leonard Arul Joseph Selvam,
Govt. Advocate (Crl.Side.)



Crl.O.P.No.5773 of 2023

ORDER

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The petitioner, who was arrested and remanded to judicial custody on 30.01.2023 for the alleged offence under Sections 452, 342, 392, 336, 397, 506(ii) of I.P.C. in Crime No.46 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on the date of occurrence, the petitioner said to have trespassed into the defacto complainant's clinic and by threatening him at knife point, he robbed a sum of Rs.20,000/-, mobile phone, car key and CCTV camera from his clinic and also criminally intimidated him. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that his name is not found in the F.I.R. and based on the confession of other accused, his name was implicated as accused in this case. So, 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



Crl.O.P.No.5773 of 2023

WEB COPY

implicated in this case and he will abide by any condition that may be imposed by this court. He would submit that this is the second petition seeking for bail. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 50 days from 30.01.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that there are 3 previous cases including one murder case pending against him, in which one case was registered under Sec.27(1) of Arms Act and another cases are registered under Sec.379 I.P.C. and 506(ii) of I.P.C. respectively. He would submit that the other accused are arrested and they were still in judicial custody. He would submit that when the defacto complainant going nearby the place of occurrence, the petitioner way laid him and at knife point snatched a sum of Rs.200/- and criminally intimidated him. 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, but charge sheet is yet to be filed. Hence, he vehemently opposed to grant bail to the petitioner.



CrI.O.P.No.5773 of 2023

WEB COPY

5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and also considering the 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, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Judicial Magistrate-II, Alandur**, 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 report before the respondent police daily twice in the morning at 10.30 a.m. and evening at 05.30 p.m. for period of two months;

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



Crl.O.P.No.5773 of 2023

WEB COPY

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

(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.

21.03.2023

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To

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



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Crl.O.P.No.5773 of 2023

T.V. THAMILSELVI, J.

rpp

Crl.O.P.No. 5773 of 2023

21.03.2023