



Crl.O.P.No.5832 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.5832 of 2023

Hariharan

... Petitioner

Vs.

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

(Crime No.16 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.16
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Balu

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.01.2023 for the offences under Section 394 IPC @ 394, 397 of IPC, in Crime No.16 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant/ Sivakumar, is that on 17.01.2023 at about 11.30 p.m., while he was returning back to home in his two wheeler, two unknown persons have waylaid the defacto complainant and snatched his cell phone and a sum of Rs.170/- by showing wooden log. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case based on suspicion. He would further submit that A1 in this case has got one previous case and as far as this petitioner is concerned, there is no previous case. He would also submit that the petitioner has got permanent residence and he is ready to furnish adequate sureties for his release on bail and he is ready to abide by any stringent condition that may be imposed by



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this Court. Hence, he prays for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner along with A1 had waylaid the defacto complainant and robbed an amount of Rs.170/- and a mobile phone from him by showing wooden log. He would further submit that the stolen property has been recovered from A1. He would also submit that A1 in this case has got three previous cases and as far as this petitioner is concerned, there is no previous case. However, he opposed for grant of 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.

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 and also considering that the stolen property has been recovered, 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**, (out of which, one should be either mother or father of the petitioner, who should produce document to show his/her means) each for a like sum to the satisfaction of the **learned Judicial Magistrate, Vanur** 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 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



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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

vk

To

- 1.The Judicial Magistrate,
Vanur.
- 2.The Inspector of Police,
Auroville Police Station,
Villupuram District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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