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Crl.O.P.No.6242 of 2023

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.6242 of 2023

Rizwan,
S/o.Rahuman

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
V-7 Nolambur Women Police Station,
Chennai
(Crime No.421 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.421 of 2022 pending on the file of respondent police.

For Petitioner : Mr.P.Sundararajan

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 02.02.2023 for the alleged offence under Sections 294(b), 394, 395, 120-B and 506(ii) of I.P.C. in Crime No.421 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on the date of occurrence, the petitioner along with other accused said to have trespassed into the defacto complainant's spa room and at knife point, they robbed a sum of Rs.8,000/-, 2 ½ sovereign of gold chain, 25 grams of silver and 8 mobile phones and also criminally intimidated him. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that 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 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



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seeking for bail. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 46 days from 02.02.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 8 accused involved in this case and there are 4 previous cases pending against him. He would submit that at the time of alleged occurrence, this petitioner has administered the other accused and he is ranked as A8. He would submit that the other accused are released on bail. 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.

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 and the fact that co-accused were released on bail, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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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, Ambattur**, 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 on every Tuesday and Sunday at 10.30 a.m. for period of three months;

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

(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



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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,
Ambattur.
2. Inspector of Police,
V-7 Nolambur Women Police Station,
Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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