



Crl.O.P.No.6310 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.6310 of 2023

Imras,
S/o.Abdul Azuz

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
C-2 Elephant Gate Police Station,
Chennai
(Crime No.26 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.26 of 2023 pending on the file of respondent police.

For Petitioner : Mr.E.C.Murali

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 09.02.2023 for the alleged offence under Sections 420 of I.P.C. And subsequently it was altered into Sec.120(b), 395 and 397 of I.P.C. in Crime No.26 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that the defacto complainant is a native of Andhra Pradesh and he came to Chennai to purchase gold to the tune of Rs.1,40,00,000/-. While so, the petitioner along with other accused conspired together, posed themselves as police personnel and robbed entire cash from the defacto complainant and fled away from the scene of occurrence. 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



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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 and other co-accused are released on bail. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 39 days from 09.02.2023. He would submit that he is ready to pay any amount that may be imposed by this court. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that there are 2 previous cases pending against him. He would submit that he has received totally a sum of Rs.1,00,000/- towards his share out of alleged robbery and an amount of Rs.40,000/- was recovered from him. He would submit that the other co-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. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the above facts and circumstances, and also considering the fact that during investigation, a sum of Rs.40,000/- was recovered from him and 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 and also the fact that he undertakes to pay any amount as stipulated by this court, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is directed to **deposit a sum of Rs.50,000/- (Rupees fifty thousand only) to the credit of Crime No.26 of 2023 before the concerned Magistrate from the date on which this order is made ready and the defacto complainant is permitted to withdraw the amount on production of proper identification and acknowledgement**, and on such deposit, 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 II Metropolitan Magistrate, Egmore, Chennai**, and on further



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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 Monday and Saturday 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 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.



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To

1. The II Metropolitan Magistrate,
Egmore, Chennai.
2. Inspector of Police,
C-2 Elephant Gate 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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