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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

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

Crl.O.P.No.6401 of 2023

Vicky ... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-8, Muthapudhupet Police Station,
Chennai.

(Crime No.32 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.32 of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.D.Prabu

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

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O R D E R

The petitioner, who was arrested and remanded to judicial custody on 11.02.2023, for the offence punishable under Sections 341, 294(b), 323, 336, 427, 392, 397 & 506(ii) of IPC, in Crime No.32 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Srinivasan is that on 29.08.2022, his minor granddaughter was found missing and based on his complaint, it was found that the accused is the person who had kidnapped his granddaughter and in that case, the accused was arrested and later released on bail. While being so, on 11.02.2023, at about 8.30 a.m., near Balaji Sweet stall, the accused, who came in bike, has criminally intimidated the *de-facto* complainant and robbed a sum of Rs.600/- from him. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person, aged about 20 years and a false complaint has been given against him. He further submitted that there was friendship between

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the petitioner and the de-facto complainant's granddaughter, due to which, the de-facto complainant has lodged a complaint before the All Women Police Station, against the petitioner, as if he has kidnapped his granddaughter. He further submitted that on the complaint given by the de-facto complainant, the petitioner was arrested and later, he was released on bail. He also submitted that the de-facto complainant, on fearing that the petitioner will further disturb his granddaughter, has lodged a false complaint against the petitioner. He further submitted that the present case was foisted only for the purpose of keeping the petitioner in continued detention.

4. He further submitted that the petitioner has also filed an Affidavit of Undertaking stating that he will not communicate with the grand daughter of the de-facto complainant. He also submitted that the petitioner is in custody from 11.02.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on 11.02.2023, near Balaji Sweet stall, the

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accused, who came in bike, has criminally intimidated the *de-facto* complainant and robbed a sum of Rs.600/- from him. He further submitted that the petitioner was earlier arrested in a POCSO case registered by the All Women Police Station, Avadi and released on bail. However, he opposed for grant of bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record including the Affidavit of Undertaking filed by the petitioner.

7. Taking into consideration the facts and circumstances of the case, the submissions made by either side, taking note of the period of incarceration undergone by the petitioner and also considering the Affidavit of Undertaking filed by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.

8. 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)**

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with **two sureties** (out of which, one shall be a blood related surety, who should produce document to show his/her means), 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Salem and report before the Inspector of Police, Fairlands Police Station, everyday at 10.30 a.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.

27.03.2023

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To

1. The Judicial Magistrate,
   Ambattur.

2. The Inspector of Police,
   T-8, Muthapudhupet Police Station,
   Chennai.

3. The Central Prison,
   Puzhal, Chennai.

4. The Inspector of Police,
   Fairlands Police Station,
   Salem.

5. The Public Prosecutor,
   High Court of Madras.

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A.D.JAGADISH CHANDIRA.,J.

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27.03.2023

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