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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM

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

Crl.O.P.No.6286 of 2023

1. Vibishan
2. Dhiviyaprakash ... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Kavarapettai Police Station,
Thiruvallur District.

(Crime No.61 of 2023). ... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., pleased to enlarge the petitioners/accused on bail, in connection with the Crime No.61 of 2023, pending investigation on the file of the respondent Police.

For Petitioners : Mr.P.Anbazhagan

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

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O R D E R

The petitioners, who were arrested and remanded to judicial custody on 25.02.2023, for the offences punishable under Sections 341, 294(b), 392 of IPC, in Crime No.61 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant, who is a lorry Driver, is that due to the road rage, the accused have waylaid the de-facto complainant and by threatening him, robbed a sum of Rs.5000/-, his driving licence and a mobile phone from him. Hence the case.

3. Learned Counsel for the petitioners submitted that the petitioners are innocent persons and a false complaint has been given against them. He further submitted that the de-facto complainant has driven his lorry bearing registration No.KA-34-C-2862, in a rash and negligent manner in the way of hitting the bus, in which the petitioners have travelled. Therefore, there was a quarrel between the petitioners and the de-facto complainant, due to which, a false complaint has been given, as if the petitioners have assaulted the de-facto complainant and robbed a sum of Rs.5000/- and a

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mobile phone from him. He also submitted that reading of the First Information Report would go to show that the incident would happened only on account of act of the de-facto complainant. He further submitted that there is no criminal background for the petitioners and they are in custody from 25.02.2023 and they are prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that on account of the road rage, the petitioners along with others have waylaid the de-facto complainant and by threatening him, robbed a sum of Rs.5000/-, his driving licence and a mobile phone from him. He further submitted that no previous case is pending as against the petitioners. However, he vehemently opposed for grant of bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

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6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Gummidipoondi, Thiruvallur,** 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m. for a period of two weeks and thereafter, on every Saturday at 10.30 a.m, until further orders;

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[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

20.03.2023

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To

1. The District Munsif cum Judicial Magistrate,
   Gummidipoondi, Thiruvallur.
2. The Inspector of Police,
   Kavarapettai Police Station,
   Thiruvallur District.
3. The Sub Jail,
   Ponneri.
4. The Public Prosecutor,
   High Court of Madras.

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A.D.JAGADISH CHANDIRA.,J.

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