



Crl.O.P.No.6276 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

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

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1. K.Anbarasan

2. B.Xavier Emmanuel

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
C-2, Elephant Gate Police Station,
Chennai.

(Crime No.26 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail, in connection with the
Crime No.26 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.V.R.Appaswamee

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 16.02.2023, for the offences punishable under Sections 420 of IPC @ 120(B), 395 & 397 of IPC, in Crime No.26 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 03.02.2023, the accused have conspired together and posed themselves as a Police personnel and robbed a sum of Rs.1,40,00,000/- from the de-facto complainant. Hence the case.

3. Learned Counsel for the petitioners submitted that the petitioners (A4 & A3 respectively) are innocent persons and they have been falsely implicated in this case only based on the suspicion. He further submitted that the petitioners are no way connected with the alleged offence and the similarly placed co-accused have been granted bail by the learned Principal Sessions Judge in Crl.M.P.Nos.5688 & 6105 of 2023 vide orders dated 14.03.2023 & 20.03.2023 respectively, on condition that the petitioners shall deposit a sum of Rs.1lakh to the credit of crime number. He



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further stated that the petitioners herein are also ready to comply with the aforesaid conditions. He also submitted that the petitioners are in custody from 16.02.2023 and they are prepared to abide by any other stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners, who are arrayed as A4 & A3 respectively, along with other accused, having known that the de-facto complainant coming to Chennai for purchasing gold, had cheated him by posing themselves as a Police personnel and robbed a sum of Rs.1,40,00,000/- from him. He further submitted that only a sum of Rs.75,70,000/- has been recovered from the accused and the balance amount is yet to be recovered. He also submitted that the investigation is pending and hence, he 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 and taking note of the fact that the co-accused have been granted bail by the lower court 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 directed to **deposit a sum of Rs.1,00,000/- (Rupees One lakh only) each to the credit of Crime No.26 of 2023, without prejudice to his contention, before the learned Magistrate concerned**, and on such deposit, 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 VIII Metropolitan Magistrate, George Town, Chennai**, 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;



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[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[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.

21.03.2023

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To

1. The VIII Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
C-2, Elephant Gate Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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