



Crl.O.P.No.6949 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM

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

Crl.O.P.No.6949 of 2023

George

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thatchampattu Police Station,
Thiruvannamalai District.

(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.S.Kasirajan

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



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Crl.O.P.No.6949 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.02.2023, for the alleged offences punishable under Sections 392, 394, 395, 397, 412 of IPC, in Crime No.32 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the accused, by assaulting the de-facto complainant with iron rod and also be threatening him, have robbed a Maruti Swift car bearing registration No.TN 74 Q 4770, a mobile phone and a sum of Rs.5000/- from the de-facto complainant. Hence the case.

3. Learned Counsel for the petitioner submitted that this is the second application for bail filed by the petitioner before this Court and this Court had dismissed the earlier bail application filed by the petitioner in Crl.O.P.No.5660 of 2023 vide order dated 10.03.2023 on the ground that the petitioner was arrested very recently and that he is having some previous cases. He further submitted that the petitioner is the person involved in used car sale and finance business in the name of Aaroon Transport and Finance



Crl.O.P.No.6949 of 2023

and the respondent Police has recovered the alleged car from the petitioner's premises, wherein the main accused have mortgaged the alleged car and received money from the petitioner. He also submitted that it is not the case where the petitioner has committed robbery and other than keeping the car in his premises, the petitioner has not committed any offence. He also submitted that the petitioner is in custody from 27.02.2023 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.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that this is the second bail application of the petitioner. He further submitted that the petitioner is habitual offender, against whom, 7 previous cases are pending and he also a history sheeted rowdy in H.S.No.693 of 2022. He further submitted that as far as this case is concerned, the petitioner has received the alleged car from A1 after giving a sum of Rs.50,000/- to him. He also submitted that the petitioner is well aware of the crime committed by other accused. Hence, he vehemently opposed for grant of bail to the petitioner.



Crl.O.P.No.6949 of 2023

WEB COPY

5. 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.

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

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Thiruvannamalai**, 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;



Crl.O.P.No.6949 of 2023

[b] the petitioner shall report before the respondent Police, 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]***;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

27.03.2023

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Crl.O.P.No.6949 of 2023

WEB COPY

To

1. The Judicial Magistrate No.I,
Thiruvannamalai.
2. The Inspector of Police,
Thatchampattu Police Station,
Thiruvannamalai.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.6949 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.6949 of 2023

27.03.2023