



Crl.O.P.No.6958 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM

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

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1.Sibiraj @ Sibi

2.Jeeva

... petitioners

Vs.

The State represented by,
The Inspector of Police,
Kundrathur Police Station,
Kanchipuram District.

(Crime No.139 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners/accused on bail in Crime No.139 of 2023
pending on the file of the respondent Police.

For petitioners : Mr.R.Sasikumar

For Respondent : Mr.C.E.Pratap
Government Advocte (crl.side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 06.03.2023 for the offences punishable under Section 392 of IPC @ Sections 392 and 397 of IPC in Crime No.139 of 2023, on the file of the respondent Police, seek bail.

2. The case of the prosecution as per the defacto complainant Selvam is that one Sneha called him and sought some help and also asked him to come to a particular place and the de-facto complainant, without knowing the real plan of the said Sneha, has reached the spot. At that time, the said Sneha along with two other accused assaulted the defacto complainant, snatched 2 ½ sovereigns of gold chain and ½ sovereign of ring and a mobile phone from him at knife point. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that there was a dispute between the defacto complainant and one Sneha, during such time, the defacto complainant has attempted to misbehave with the said Sneha, during



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which, the petitioners have intervened, thereby, the defacto complainant has given a false complaint, as if, the petitioners have robbed 2 ½ sovereigns of gold chain and ½ sovereign of gold ring and a mobile phone from him. He would further submit that the petitioners have no previous case against them. He would also submit that the petitioners are in judicial custody from 06.03.2023 and hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that one Sneha had fixed honey trap for the defacto complainant and called him to come near a petrol bunk and when the defacto complainant gone to the scene of occurrence, the petitioners, who were present along with the said Sneha, had intimidated him and robbed 2 ½ sovereigns of gold chain and ½ sovereign of gold ring and a mobile phone from him at knife point. He would further submit that only ½ sovereign of ring has been recovered and the chain and the mobile phone are yet to be recovered. He would further submit that there is no previous case pending against the petitioners. However, he opposed for grant of bail to the petitioners.



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5. Heard the learned counsel for the petitioners and the learned Government Advocate (crl.side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also considering the period of incarceration, 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 bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Sriperumandur** 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 daily 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.

28.03.2023

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To

1. The Judicial Magistrate,
Sriperumandur.
2. The Inspector of Police,
Kundrathur Police Station,
Kanchipuram District.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor, High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Vkr

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