



WEB COPY



Crl.O.P.No.6797 of 2023

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.6797 of 2023

Vichu @ Saileshkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.

(Crime No.78 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.78 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.C.Raghavan

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



Crl.O.P.No.6797 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.02.2023, for the offence punishable under Sections 294(b), 397 & 506(ii) of IPC, in Crime No.78 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Purushothaman, is that on 17.02.2023, when he refused to give rowdy mamool as demanded by the accused, the accused have abused him in a filthy language and at knife point, taken an amount of Rs.630/- from his shirt pocket. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he has got some previous cases. He further submitted that only in order to keep the petitioner in continued detention, the respondent has registered the present case as against the petitioner through the de-facto complainant. He also submitted that very reading of the First Information Report would go to show that this case is a foisted one. He also submitted that the petitioner was



Crl.O.P.No.6797 of 2023

arrested on 17.02.2023 and he is in custody for more than a month. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is a habitual offender and 'A' Category history sheeted, against whom 20 previous cases are pending. He further submitted that as far as this case is concerned, the petitioner along with other accused have demanded rowdy mamool from the de-facto complainant and when he refused, they have abused him and also taken away a sum of Rs.630/- from him. Hence, he vehemently opposed for grant of bail to the petitioner.

5. In reply, the learned counsel for the petitioner submitted that the petitioner has been acquitted in some of the cases registered against him 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.



Crl.O.P.No.6797 of 2023

WEB COPY

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.

7. 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.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** 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 XV 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;



Crl.O.P.No.6797 of 2023

[b] the petitioner shall report before the respondent Police, everyday at 07.00 p.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

ham



Crl.O.P.No.6797 of 2023

WEB COPY

To

1. The XV Metropolitan Magistrate,
George Town,
Chennai.
2. The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.
3. The Central Prison - 1,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.6797 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.6797 of 2023

27.03.2023