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Crl.O.P.No.6787 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.6787 of 2023

Sathis @ Saman Sathish @ Sathishkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R-1, Mambalam Police Station,
Chennai.

(Crime No.267 of 2022).

... 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.267 of 2022, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.A.Veeran

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.12.2022, for the offence punishable under Sections 294(b), 323, 341, 392, 397 & 506(ii) of IPC, in Crime No.267 of 2022, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Dheventhiran, who was running a juice shop near Pothys car parking in Usman Road, is that on 03.12.2022, when he was returning back home, the accused, who was known to the de-facto complainant, waylaid him and demanded money. When the de-facto complainant refused to give money, the accused has assaulted him and robbed a mobile phone from him and also threatened with dire consequences. 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 the present case has been foisted against the petitioner, only for the purpose of detaining him under Act 14 and the respondent has detained him under Act 14, whereas, the



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detention order was revoked by the Advisory Board in G.O.Rt.No.634 vide dated 06.02.2023. He also submitted that the petitioner was arrested on 04.12.2022 and he is in custody for more than 100 days 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 the accused has waylaid the de-facto complainant and robbed a mobile phone from him. He also submitted that the petitioner is a habitual offender, against whom 23 previous cases are pending and also, he has also been detained under Act 14 and later, the detention order has been revoked by the Government. He further submitted that investigation in this case has been completed and the final report has also been filed in P.R.C.No.17 of 2023, pending committal on the file of the XVII Metropolitan Magistrate, Saidapet, Chennai. Therefore, he opposed for grant of bail to the petitioner.



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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.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 XVII Metropolitan Magistrate, Saidapet, 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 petitioner shall appear before the learned XVII Metropolitan Magistrate, Saidapet, Chennai, everyday at 10.30 a.m., till committal of the case and also report before the respondent Police, everyday at 07.30 p.m., until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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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To

1. The XVII Metropolitan Magistrate,
Saidapet,
Chennai.
2. The Inspector of Police,
R-1, Mambalam Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai - 66.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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