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CrI.O.P.No.7064 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

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

CrI.O.P.No.7064 of 2023

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... Petitioner

Vs.

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

(Crime No.82 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.82 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.D.Padmanabhan

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



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ORDER

The petitioner, who was arrested and remanded to Judicial custody on 21.02.2023, for the offence punishable under Sections 294(b), 397, 506(ii) of IPC in connection with Crime No.82 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Gurubalan is that on 21.02.2023, when the *de-facto* complainant refused to give rowdy mamool as demanded by the accused, the accused had abused him in a filthy language and robbed a sum of Rs.470/- at knife point from him. 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. He further submitted that the fact remains is that there are several previous cases as against the petitioner, in which the petitioner was acquitted in some of the cases. He also submitted that only in order to keep the petitioner under fetters, the respondent has registered a false case as against the petitioner through the *de-facto* complainant. He also submitted that very reading of the



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First Information Report would go to show that it is a foisted case. He further submitted that the petitioner is in custody from 21.02.2023, 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, against whom 12 previous cases including 4 murder cases, are pending. He further submitted that as far as this case is concerned, the petitioner has demanded rowdy mamool from the *de-facto* complainant and when he refused, he has abused him and also taken away a sum of Rs.470/- from him at knife point. Hence, he vehemently opposed for grant of bail to the petitioner.

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 including the First Information Report.

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



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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 should be the blood 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;

[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



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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.

29.03.2023

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To

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



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