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Crl.O.P.No.7193 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM

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

Crl.O.P.No.7193 of 2023

Vivekanandan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Flower Bazaar Police Station,
Flower Bazaar, Chennai.

(Crime No.332 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in connection with the Crime
No.332 of 2022, pending investigation on the file of the respondent Police.

For Petitioner : M/s.D.Jayapriya

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



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ORDER

The petitioner, who was arrested under PT warrant and remanded to judicial custody on 09.02.2023, for the offences punishable under Section 420 of IPC @ 379 r/w 34 of IPC, in Crime No.332 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Seetharaman, is that on 29.12.2022, some unknown person had committed theft of his laptop, mobile phone and a cash of RS.2,00,000/-. Based on the complaint given by the de-facto complainant, a case in Crime No.332 of 2022 came to be registered by the respondent police for the offences punishable under Section 420 of IPC. Later during the course of investigation, it came to light that the petitioner has stolen the de-facto complainant's bag from the car by diverting the driver of the de-facto complainant, thereby, the case has been altered to one under Sections 379 of IPC r/w 34 IPC. 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 also



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submitted even as per the complaint given by the de-facto complainant, the case has been registered against an unknown person and later, the petitioner, who was already in prison in connection with Crime Nos.349 & 386 of 2022 pending on the file of the Vadapalani Police Station, was formally arrested PT warrant on 09.02.2023. He also submitted that the petitioner was arrested only based on the suspicion and further submitted that he has been granted bail in all other cases. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that petitioner is a habitual offender, against whom, 3 previous cases of similar nature are pending. He further submitted that the petitioner is a member of the gang, involved in stealing the articles from the parked cars. He also submitted that it is the case, where, the petitioner had committed theft of laptop, mobile phone and a cash of RS.2,00,000/- from the de-facto complainant's car and he has been formally arrested on 09.02.2023. He further submitted that the investigation is pending and the stolen properties are yet to be recovered. Hence, he



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vehemently opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the Petitioner 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, taking note of the fact that the petitioner has been arrested under PT warrant in this case and he has also been granted bail in all other cases, pending against him and also considering the period of incarceration undergone by this petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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), each for a like sum to the satisfaction of the **learned VIII Metropolitan Magistrate, Egmore, Chennai**, and on further conditions that:



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[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 6.30p.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.

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To

1. The VIII Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
Flower Bazaar Police Station,
Flower Bazaar, Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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