



Crl.O.P.No.7196 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM

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

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Vivekanandan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Triplicane Police Station,
Triplicane, Chennai.

(Crime No.766 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.766
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 and remanded to judicial custody on 31.01.2023, for the offences punishable under Section 379 of IPC, in Crime No.766 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Hanish Gokul, is that on 29.12.2022, some unknown person had committed theft of his mobile phone and a hand bag with a cash of Rs.1,500/-. Based on the complaint given by the de-facto complainant, a case in Crime No.766 of 2022 came to be registered by the respondent police for the offences punishable under Section 379 of IPC. Later during the course of investigation, it came to light that the petitioner along with other accused has committed theft of the de-facto complainant's properties from his car. 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 submitted even as per the complaint given by the de-facto complainant, the



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case has been registered against the unknown person and later, the petitioner was implicated in this case, since the petitioner is an accused in some other cases registered in Crime Nos.349 & 386 of 2022 pending on the file of the Vadapalani Police Station. 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 accused had committed theft of a mobile phone and a cash of Rs.1,500/- with the hand bag from the de-facto complainant's car. He further submitted that the investigation is pending and the stolen properties are yet to be recovered. Hence, he vehemently 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) 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 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 II Metropolitan Magistrate, Egmore, 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 report before the respondent Police, everyday at 07.30p.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.

31.03.2023

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To



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1. The II Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
Triplicane Police Station,
Triplicane, 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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