



Crl.O.P.No.7202 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

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

Crl.O.P.No.7202 of 2023

1.D.Jeeva

2.N.Vignesh

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
E-5 Sholavaram Police Station,
Thiruvallur District.

(Crime No.221 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail, in connection with the
Crime No.221 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : M/s.B.Elakkiya

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



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ORDER

The petitioners, who were remanded to judicial custody on 15.03.2023 for the offences punishable under Sections 447, 294(b), 336, 427, 392, 397 and 506(ii) of IPC in Crime No.221 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant is the the accused have trespassed into the de-facto complainant's shop, abused him in a filthy language and also by intimidating him at knife point, robbed a sum of Rs.800/- from him. The further allegation is that the accused have also threatened the de-facto complainant in a filthy language. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are no way connected with the alleged offence and the respondent, in order to keep the petitioners under fetters, have foisted this case against the petitioners and others through the de-facto complainant. He further submitted that very reading of the First



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Information Report would go to show that it is a foisted one. He also submitted that the petitioners are in custody from 15.03.2023 and they are prepared to abide by any other stringent conditions that may be imposed by this Court , hence, he prayed to grant bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners along with other accused have trespassed into the shop of the de-facto complainant and robbed a sum of Rs.800/- from him at knife point. He also submitted that as far as the first petitioner (A2) is concerned, two previous cases are pending against him and in respect of the second petitioner (A3), no previous case is pending against him. He further submitted that investigation in this case is pending, hence, he vehemently opposed for grant of bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners submitted that the out of four previous cases pending against the first petitioner, two of them were registered for the offence under NDPS Act. He also submitted that the petitioners are also ready to furnish the sufficient sureties. Hence, he prays for grant of bail to the petitioners.



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6. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 Judicial Magistrate No.II, Ponneri, Thiruvallur**, 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



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Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent Police, everyday at 07.00 p.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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

1. The Judicial Magistrate No.II,
Ponneri, Thiruvallur.
2. The Inspector of Police,
E-5 Sholavaram Police Station,
Thiruvallur District.
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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