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Crl.O.P.No.7334 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

CORAM

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

Crl.O.P.No.7334 of 2023

Naveen

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
P-5 MKB Nagar Police Station,
Chennai.

(Crime No.25 of 2023).

... 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.25 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.P.Sathish Kumar

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



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ORDER

(This case has been heard through Video Conferencing)

The petitioner, who was arrested and remanded to Judicial custody on 30.01.2023, for the offence punishable under Sections 147, 148, 341, 294(b), 323, 395, 506(ii) of IPC in connection with Crime No.25 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of prosecution as per the de-facto complainant, Avinash is that on 10.01.2023 around 09.25p.m., when he went to a tiffin shop in his bike, the accused, who came in three two wheelers and damaged the nearby shops, have waylaid him and by abusing him in a filthy language, also assaulted him with hands and taken away the mobile phone and robbed his bike at knife point. 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 several previous cases. He further submitted that the petitioner is no way connected with the alleged offence and the respondent has foisted this case



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against the petitioner, in order to keep the petitioner in a continued detention.

He further submitted that the co-accused in this case have already been granted bail by this Court in Crl.O.P.Nos.3455 & 3457 of 2023 vide orders dated 15.02.2023. He also submitted that the petitioner is in custody from 30.01.2023 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 petitioner along with 7 other accused have waylaid the de-facto complainant, abused him and also by assaulting him with hands and robbed his bike and his mobile phone at knife point. He further submitted that the accused have also damaged the shops nearby. He also submitted that robbed properties were recovered and further submitted that 10 previous cases including one previous case of similar nature is pending against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned



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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 the learned counsel on either side and taking note of the fact that the co-accused in this case has been granted bail by this Court and also considering 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.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned V 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;

[b] the petitioner shall stay at Sivaganga and



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report before the Inspector of Police, Sivaganga Town Police Station, everyday at 10.30 a.m., until further orders, except on the dates of Court hearing before the trial Court in respect of other previous cases pending against him;

[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.

10.04.2023

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To

1. The V Metropolitan Magistrate,
Egmore, Chennai,
2. The Inspector of Police,
P-5 M.K.B. Nagar Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
Sivaganga Town Police Station,
Sivaganga.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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