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Crl.O.P.No.7862 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM

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

Crl.O.P.No.7862 of 2023

S.Ashok Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
C2 Elephant Gate Police Station,
Chennai.

(Crime No.26 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.26 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.G.Mohammed Aseef

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



Crl.O.P.No.7862 of 2023

WEB COPY

ORDER

(This case has been heard through Video Conferencing)

The petitioner, who was arrested and remanded to judicial custody on 24.02.2023, for the alleged offences punishable under Sections 120(B), 395 & 397 of IPC, in Crime No.26 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Subbarao, is that the accused conspired together and by claiming themselves as Police Personnel, robbed a sum of Rs.1,40,00,000/- from the de-facto complainant, who brought the said amount from Andhra Pradesh to purchase gold in Chennai. Hence the case.

3. Learned Counsel for the petitioner submitted that this is the third application for bail filed by the petitioner before this Court and this Court had dismissed the earlier bail applications in Crl.O.P.Nos.5343 & 6703 of 2023 vide orders dated 07.03.2023 & 27.03.2023. He further submitted that even as per the prosecution, the de-facto complainant claims that an amount of Rs.1,40,00,000/- is stated to have been robbed from him, whereas, he has



Crl.O.P.No.7862 of 2023

not produced any materials to show that he was in possession of the said amount on the particular day. He also submitted that some of the co-accused in this case have been arrested and released on bail by the learned Principal Sessions Judge in Crl.M.P.Nos.5695 & 5688 of 2023 dated 14.03.2023 and by this Court in Crl.OP.No.6310 of 2023 dated 21.03.2023. He also stated that the petitioner is in custody from 24.02.2023 and he is prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with other accused conspired together and by claiming themselves as Police Personnel, have robbed a sum of Rs.1,40,00,000/- from the de-facto complainant. He further submitted that this is the third bail application of the petitioner, who is the master mind behind the said offence and against whom, four previous cases including one case of similar nature, are pending. He also submitted that A7 in this case is still absconding and the investigation is also pending and a sum of Rs.65 lakhs is yet to be recovered, hence, he opposed for grant of bail to the petitioner.



Crl.O.P.No.7862 of 2023

WEB COPY

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.

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 some of the co-accused have been enlarged on bail 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.50,000/- (Rupees Fifty thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned VIII Metropolitan Magistrate, George Town**, 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;



Crl.O.P.No.7862 of 2023

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m. and 05.30p.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.

11.04.2023

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Crl.O.P.No.7862 of 2023

WEB COPY

To

1. The VIII Metropolitan Magistrate,
George Town.
2. The Inspector of Police,
C2 Elephant Gate Police Station,
Chennai.
3. The Central Jail,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.7862 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.7862 of 2023

11.04.2023