



Crl.O.P.No.7590 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM

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

Crl.O.P.No.7590 of 2023

R.Jayakumar

... Petitioner

Vs.

The State rep. by

The Inspector of Police (Crime)

K-2, Ayanavaram Police Station

Chennai

(Crime No.73 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail in Crime No.73 of 2023 on
the file of the Inspector of Police, K-2, Ayanavaram Police Station, Chennai.

For Petitioner : Mr.M.Devanthiran

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



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ORDER

The petitioner, who was remanded to judicial custody on 14.03.2023 for the offence punishable under Section 379 IPC, in Crime No.73 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Jakira Banu is that on 24.02.2023 at about 10.30 p.m., while she was returning home after her work, two unknown persons who came in a two wheeler, snatched away her hand bag which was containing cash of Rs.15,000/-. Hence, this case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case and that there is no previous case against the petitioner. He further submitted that the petitioner has been suffering incarceration from 14.03.2023. Hence, he prayed to grant bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that the petitioner/A2 along with A1 snatched away the bag of the defacto complainant which was containing cash of Rs.15,000/-. He further submitted that after the arrest of the petitioner, only a sum of Rs.3,000/- was recovered from him and the balance amount is yet to be recovered and that the main accused/A1 is still absconding. However, he submitted that there is no previous case against 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 and the submission made by either of the parties and the fact that there is no previous case against the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties out of which, one shall be a blood relative of the petitioner**, 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 report before the respondent Police, everyday at 10.30 a.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]***;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

06.04.2023

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To

1. The V Metropolitan Magistrate, Egmore, Chennai
2. The Inspector of Police (Crime)
K-2, Ayanavaram Police Station
Chennai
3. Central Prison, Puzhal
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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