



Crl.O.P.No.7962 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

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

Crl.O.P.No.7962 of 2023

Sathish Kumar@ Theencha Sathish Kumar

... petitioner

Vs.

The State represented by,
Inspector of Police,
J-3 Guindy Police Station,
Chennai.

(Crime No.81 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.81 of 2023, pending on the file of the respondent police.

For petitioner : M/s. G. Pandian

For Respondent : Mr.C.E.Pratap
Government Advocte (crl.side)



WEB COPY



Crl.O.P.No.7962 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.02.2023 for the offences punishable under Sections 341,294(b),323,336,427,397,506(ii) of I.P.C in Crime No.81 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant / Kumar is that on 02.02.2023 while he was riding his two wheeler the petitioner along with other accused waylaid him and robbed 8 grams of gold chain and cash of Rs.7,600/-. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a innocent person and he has been falsely implicated in this case. He would further submit that a very reading of the F.I.R would go to show that the previous cases foisted against the petitioner by the Respondent police are fabricated one. Thereby, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the



Crl.O.P.No.7962 of 2023

respondent would submit that the petitioner along with other accused waylaid the defacto complainant and robbed 8 grams of gold chain and cash Rs.7,600/-.He would further submit that there are 11 previous cases pending against the petitioner, therefore, he vehemently opposed to grant bail to 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, the submissions made by either side and also considering the period of incarceration suffered by the 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 surety should be a



Crl.O.P.No.7962 of 2023

blood related surety) for a like sum to the satisfaction of the **learned IX**

Metropolitan Magistrate, Saidapet 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 10.00 a.m and 6:30.pm 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



WEB COPY



Crl.O.P.No.7962 of 2023

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.

17.04.2023

smn

To

1. The **IX Metropolitan Magistrate, Saidapet**
2. The Inspector of Police,
J-3 Guindy Police Station,
Chennai.
3. The Central Prison, puzhal;
4. The Public Prosecutor, High Court of Madras.



WEB COPY



Crl.O.P.No.7962 of 2023

A.D.JAGADISH CHANDIRA.,J.

smn

Crl.O.P.No.7962 of 2023

17.04.2023