



Crl.O.P.No.8100 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

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

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Udhayakumar(M/28)

... petitioner

Vs.

The State represented by,
Inspector of Police,
D-2 Annasalai Police Station
(Crime No.132 of 2022). ... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.132 of 2022, pending on the file of the respondent police.

For petitioner : M/s.D.Magesh

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.07.2022 for the offences punishable under Sections 394,395,397 of I.P.C in Crime No.132 of 2022, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant / Mohammed Arif is that his friend planned to start a business to supply fish to hotel for which they arranged Rs.3 lakhs and when the defacto complainant went to ATM centre to deposit the cash, the petitioner along with other accused followed in three motor cycles and attacked the defacto complainant and robbed Rs.3,00,000/-. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner was arrested on 12.07.2022. Subsequently, the detention order was passed and the same was revoked by this Court vide order dated 23.03.2023 in H.C.P.No.1920 of 2022. He would further submit that the co-accused has been enlarged on bail.



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Thereby, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner waylaid the the defacto complainant and robbed cash Rs.3,00,000/- out of which a sum of Rs.66,700/- has been recovered. He would further submit that the petitioner is a habitual offender and there are 12 previous cases pending against him. He also submits that the investigation has been completed and the case was numbered in S.C.No.224 of 2023 before the XXII Additional Sessions Judge, Chennai. However, he vehemently opposed for grant of bail.

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.



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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.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned II Metropolitan Magistrate, Egmore** 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 XXII Additional Sessions Judge, Chennai on all working days for a period of two weeks and thereafter on the days fixed by the learned trial Judge and the petitioner should also report before the respondent police station on every Saturday at 6.30 pm until further orders.**

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



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[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.

17.04.2023

smn

To

1. The **II Metropolitan Magistrate, Egmore**
2. The Inspector of Police,
D-2 Annasalai Police Station
(Crime No.132 of 2022)
3. The Central prison, Puzhal
4. The Public Prosecutor, High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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