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Crl.O.P.No.8364 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM

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

Crl.O.P.No.8364 of 2023

Imran

... 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.B.Dhinesh Kumar

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



Crl.O.P.No.8364 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.02.2023, for the alleged offences punishable under Sections 420 IPC @ 120(B), 395 r/w 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 the petitioner is an innocent person and he has been falsely implicated in this case, since he happens to be the friend of the man accused. 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 not produced any materials to show that he was in possession of the said amount on the particular day. He also submitted that a sum of Rs.75,30,000/- has



Crl.O.P.No.8364 of 2023

been recovered from the arrested accused. 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.Nos.6310 & 7862 of 2023 dated 21.03.2023 & 11.04.2023. He also stated that the petitioner is in custody from 14.02.2023 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 several cases are pending as against the petitioner. He also submitted that investigation in this case 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.8364 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.15,000/- (Rupees Fifteen thousand only)** with **two sureties** (out of which, one should be the blood surety, who should produce document to show his/her means), each for a like sum to the satisfaction of the **learned VIII Metropolitan Magistrate, George Town, 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



Crl.O.P.No.8364 of 2023

Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 06.30p.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.

19.04.2023

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To

1. The VIII Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
C2 Elephant Gate Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai - 66.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.8364 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.8364 of 2023

19.04.2023