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Crl.O.P.No.8367 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.8367 of 2023

Imran

... Petitioner

Vs.

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

(Crime No.32 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.32 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)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.02.2023, for the alleged offences punishable under Sections 341, 294(b), 336, 427, 397, 506(ii) of IPC, in Crime No.32 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Muthu, is that the accused intercepted him, while he was on the way to shop, and by threatening him with knife, robbed his hand bag and his mobile phone. Further, the accused have hurled the soda bottle on the de-facto complainant and other public. 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. He further submitted that the petitioner was arrested by the respondent police in another case registered in Crime No.26 of 2023 and subsequently, he was implicated in the present case. He also submitted that the petitioner is no way connected with the alleged offence and this case has been foisted only to



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keep the petitioner under continued detention. 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 have waylaid the de-facto complainant and robbed his mobile phone and hand bag. He further submitted that several cases are pending as against the petitioner. He also submitted that investigation in this case is also pending, hence, he opposed for grant of bail to the petitioner.

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 also considering the period of incarceration undergone by the petitioner, this



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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 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



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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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A.D.JAGADISH CHANDIRA.,J.

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