



CrI.O.P.No.8530 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

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

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1. M.Kalisha

2. M.B.Abdul Hameed

3. R.Ranjith

4. V.Bharath

5. A.Azaruteen

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
K-8 Arumbakkam Police Station,
Chennai.

(Crime No.41 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail, in connection with the
Crime No.41 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.C.D.Sugumar



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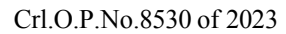
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 15.03.2023, for the offences punishable under Sections 392 @ 395 r/w 120(B) of IPC, in Crime No.41 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant, Rajesh Kumar Jain, is that on 13.03.2023, while he was returning home in his two wheeler, the accused had followed him in a two wheeler and robbed the de-facto complainant's bag containing 430 grams of gold jewels and a case of Rs.6,25,000/- and escaped from the scene of occurrence. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the petitioners are no way connected with the alleged offence. He further submitted that even as per the prosecution, major part of the robbed jewels and cash have been recovered and also the major



4. Learned Government Advocate (Crl.Side) appearing for the
nt police submitted that the petitioners along with other accused,
spired together and planned to commit robbery and they have also
bag containing 430 grams of gold jewels and a case of Rs.6,25,000/-
de-facto complainant. He also submitted that the gold jewels
about 2 kilograms and a cash of Rs.4,10,000/- have been recovered
accused. He further submitted that the investigation in this case is
ling and there is no previous case as against these petitioners,
he opposed for grant of bail to the petitioners.

5. Heard the learned Counsel for the petitioners and the learned



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Government Advocate (CrI.Side) and perused the 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 petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties** (out of which one surety should be a blood related surety and should produce document to show his/her means), each for a like sum to the satisfaction of the learned **V Metropolitan Magistrate Court, CMM 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 petitioners shall report before the



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respondent Police, everyday at 10.30 a.m., until further orders;

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

25.04.2023

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To

1. The V Metropolitan Magistrate Court,
CMM Egmore, Chennai.
2. The Inspector of Police,
K-8 Arumbakkam Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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