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CrI.O.P.No.8503 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM

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

CrI.O.P.No.8503 of 2023

Vengatesan @ Venkat

... Petitioner

Vs.

The State represented by,
The 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.,
pleased to enlarge the petitioner/accused on bail, in connection with
P.R.C.No.169 of 2022 on the file of the learned IInd Metropolitan Magistrat,
Egmore in Crime No.132 of 2022, on the file of the respondent police.

For Petitioner : Mr.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 24.06.2022, for the offences punishable under Sections 395 & 397 of IPC in Crime No.132 of 2022, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the *de-facto* 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 *de-facto* complainant went to ATM centre to deposit the cash, the petitioner along with other accused followed him in three motor cycles and attacked the *de-facto* complainant and robbed Rs.3,00,000/- from him. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he has got some previous cases. He further submitted that the petitioner was arrested on 24.06.2022 and subsequently, the detention order has been passed against him and the same has also been set aside by this



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Court vide order dated 30.03.2023 in H.C.P.No.1906 of 2022. He would further submit that the one of the co-accused has been granted bail by this Court in Crl.O.P.No.8100 of 2023 dated 17.04.2023 and some of the co-accused have been enlarged on bail by the learned Principal Sessions Judge, Chennai in Crl.M.P.No.7135 & 7767 of 2023 dated 31.03.2023. He also submitted that, now the case in P.R.C.No.169 of 2022 has also been committed to the Court of Sessions and taken up in S.C.No.224 of 2023 pending trial on the file of the learned XXII Additional Sessions Court, Chennai. Thereby, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with other accused waylaid the *de-facto* complainant and robbed cash Rs.3,00,000/- from him. He also submitted that out of the robbed amount, a sum of Rs.66,700/- has been recovered and the investigation has been completed and the case has also been committed to the Court of Sessions and taken up in S.C.No.224 of 2023 on the file of the learned XXII Additional Sessions Judge, Chennai. He further submitted that the petitioner is a habitual offender, against whom 8 previous are pending. Hence, he vehemently opposed for grant of bail.



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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 the learned counsel on either side and taking note of the fact that the co-accused have been enlarged on bail 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.10,000/- (Rupees Ten thousand only)** with **two sureties** (out of which, one should be the blood surety, who should produce document to show his/her means), 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



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Bank pass Book to ensure their identity;

[b] the petitioner shall report before the learned 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 shall also report before the respondent police, on every Saturday at 6.30 p.m., until further orders.

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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.

20.04.2023

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To

1. The II Metropolitan Magistrate,
Egmore.
2. The XXII Additional Sessions Judge,
Chennai.
3. The Inspector of Police,
D-2 Annasalai Police Station.
4. The Central prison,
Puzhal.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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