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Crl.O.P.No.8690 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

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

Crl.O.P.No.8690 of 2023

Siva @ Rakki

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kanjapur Police Station,
Villupuram District.

(Crime No.272 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in C.C.No.9 of 2023 on the
file of the learned Judicial Magistrate, Vikravandi, in connection with Crime
No.272 of 2022 on the file of the respondent Police.

For Petitioner : Mr.Mahavishnu
for M/s.R.Thamaraiselvan

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 25.11.2022, for the alleged offences punishable under Section 392 of IPC, in Crime No.272 of 2022, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Gunasekaran, is that on 29.10.2022, the accused have waylaid him, while he was on the way in his two wheeler, and robbed a mobile phone, a cash of Rs.8000/- from him. Hence the case.

3. Learned counsel appearing for 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 is no way connected with the alleged offence and even as per the complaint, the alleged offence is stated to have occurred on 29.10.2022, whereas, the complaint was lodged only on 03.11.2022 and the petitioner was arrested on 25.11.2022. He also submitted that the respondent has not conducted the identification parade to fix the petitioner in this case. He also



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submitted that the investigation has been completed and the case has also been taken on file in C.C.No.9 of 2023 pending on the file of the learned Judicial Magistrate, Vikravandi. He further submitted the petitioner is ready to abide by any stringent conditions that may be imposed by this Court, hence he prayed 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 a mobile phone, a cash of Rs.8000/- from him. He also submitted that only mobile phone was recovered from the accused and the investigation in this case has been completed and the case has also been taken on the file of the learned Judicial Magistrate, Vikravandi in C.C.No.9 of 2023. He further submitted that four previous cases including three similar nature cases are pending as against the petitioner. Therefore, he objected 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.



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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 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 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 Judicial Magistrate, Vikravandi, Villupuram**, 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 appear before the **learned Judicial Magistrate, Vikravandi, on all working days at 10.30 a.m., until further orders and also report before the respondent Police on every Saturday at 6.30 p.m., until further orders;**



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[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.

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To

1. The Judicial Magistrate,
Vikravandi, Villupuram.
2. The Inspector of Police,
Kanjannur Police Station,
Villupuram District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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