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Crl.O.P.No.8651 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

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

Crl.O.P.No.8651 of 2023

Vasanth Mathew

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
F-4, Thousand lights Police Station,
Chennai - 600 094.

(Crime No.63 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.63 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.B.M.Santharam

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 29.03.2023, for the offences punishable under Sections 341, 294(b), 323, 392, 336, 397 & 506(ii)IPC, in Crime No.63 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Kamalesh, is that the accused have demanded money from him and when he refused to give the same, the accused have abused him in a filthy language and assaulted him with knife and also robbed a sum of Rs.2000/- from him at knife point. Further, the accused have also threatened the de-facto complainant with dire consequences. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, who is arrayed as A2, is an innocent person and he has been falsely implicated in this case. He also submitted that the fact remains is that since the petitioner has got some previous cases, the respondent in order to keep the petitioner under fetters, has registered a false case through the de-



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facto complainant, who is running a Tiffin shop in that area. He further submitted that even as per the complaint the petitioner is known to the de-facto complainant. He also submitted that the petitioner is in custody from 29.03.2023, 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 abused the *de-facto* complainant and by assaulting him with knife and also by threatening him, robbed a sum of Rs.2,000/- from him. He also submitted that no recovery was made from this petitioner and as far as this petitioner is concerned, 14 previous cases of similar nature are pending against him. Hence, he vehemently opposed for grant of bail to the petitioner.

5. In reply, the learned Counsel for the Petitioner submitted that out of 14 previous cases pending against the petitioner, he has been acquitted in 9 cases. He further submitted that the petitioner is ready to abide by any other stringent conditions that may be imposed by this Court, hence, he prayed for grant of bail to the petitioner.



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6. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

7. 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 conditions.

8. 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**, each for a like sum to the satisfaction of the **learned XIV Metropolitan Magistrate, 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 petitioner shall stay at Virudhunagar and report before the Inspector of Police, Virudhunagar West Police Station, everyday at 10.30 a.m., until further orders;



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[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.

25.04.2023

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To

1. The XIV Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
F-4, Thousand lights Police Station,
Chennai - 600 094.
3. The Central Prison,
Puzhal.
4. The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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