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Crl.O.P.No.8797 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM

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

Crl.O.P.No.8797 of 2023

Aadu @ Saravanan

... Petitioner

Vs.

State rep by
The Inspector of Police,
V-1, Villivakkam Police Station,
Chennai -49
(Crime No.69 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.69 of 2023 pending
investigation on the file of the respondent police.

For Petitioner : Mr.T.Vinoth Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 10.03.2023, for the offences punishable under Sections 341, 294(b), 336,
427, 397, 506(ii) IPC, in Crime No.69 of 2023 on the file of the respondent
police, seeks bail.



2. The case of the prosecution as per the defacto complainant Pathrudeen is that he is running a Petty Shop at Villivakkam, Chennai. On 10.03.2023 at about 08.00 a.m., while he was in his shop, the petitioner along with other accused came to his shop and threatened him by saying that they are big rowdies in Villivakkam area and by keeping a knife in his neck, robbed a sum of Rs.1,200/- from his cash box. When the defacto complainant raised alarm, public gathered and they tried to catch them. At that time, the accused threw cool drink bottles and stones on them and by brandishing knife escaped from the place. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. The fact remains that the petitioner has got 9 previous cases against him and therefore, in order to keep him in continued fetters, the respondent police has foisted a false case against him. The very reading of the FIR would show that the case has been foisted for the purpose of detaining the petitioner under Act 14 and that the petitioner has been in judicial custody from 10.03.2023. Hence, he would pray to grant bail to the petitioner.



4. Learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that the petitioner is a habitual offender and he has got 9 previous cases against him for the offence under Section 302 and NDPS Act Cases.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record including the FIR.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side, this Court is inclined to grant of 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**, each for a like sum to the satisfaction of the **learned XIII 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



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Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Sivagangai and report before the Town Police Station everyday at 10.30 a.m. for a period of four weeks and thereafter, report before the respondent police everyday at 06.30 p.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 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 XIII Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
V-1, Villivakkam Police Station,
Chennai -49
3. The Superintendent,
Central Prison-2, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

Copy to:

The Inspector of Police
Town Police Station, Sivagangai



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A.D.JAGADISH CHANDIRA,J.,

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