



WEB COPY



Crl.O.P.No.9044 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.9044 of 2023

Arifmustahim Abdulkadharbasha

... Petitioner

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 petitioner/accused on bail, in connection with the
Crime No.41 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.N.Sairam Ganapathi

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



CrI.O.P.No.9044 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.03.2023, for the offences punishable under Sections 392 @ 392, 395 and 120(B) of IPC, in Crime No.41 of 2023, on the file of the respondent police, seeks 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 cash of Rs.6,25,000/- and escaped from the scene of occurrence. 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. He also submitted that the petitioner is 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 part of the investigation including the investigation parade have been completed. He also submitted that the petitioner is aged about 22 years and



Crl.O.P.No.9044 of 2023

he has no bad antecedents. He further submitted that the petitioner is in custody from 16.03.2023 and he is also 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.

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

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



Crl.O.P.No.9044 of 2023

WEB COPY

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

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

[d] the petitioner shall not tamper with evidence



WEB COPY



CrI.O.P.No.9044 of 2023

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.

26.04.2023

vk

To

1. The V Metropolitan Magistrate Court,
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.

A.D.JAGADISH CHANDIRA.,J.



WEB COPY



Crl.O.P.No.9044 of 2023

vk

Crl.O.P.No.9044 of 2023

26.04.2023