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Crl.O.P.No.8860 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

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

Crl.O.P.No.8860 of 2023

Dhanasekar

... Petitioner

Vs.

The State rep. by Inspector of Police,
H1 Old Washermenpet Police Station,
Chennai – 600 021.
(Crime No.77 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.77 of 2023 pending
investigation on the file of the Inspector of police, H-1 Old Washermenpet
Police Station, Chennai.

For Petitioner : Mr.M.R.Mohammed Fazululla

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 28.02.2023, for the offences punishable under Sections 341, 294(b), 392,
397 and 506(ii) IPC in Crime No.77 of 2023 on the file of the respondent
police, seeks bail.



2. The case of the prosecution as per the defacto complainant Vasantha Kumar is that he is a Auto Driver. On 28.02.2023 at about 9.00 a.m., when he was proceeding in his auto in T.H.Road, the petitioner along with two others, waylaid him and snatched a sum of Rs.580/- from his pocket at knife point and also threatened him with dire consequences. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been in judicial custody from 28.02.2023 and hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent vehemently opposed to grant bail to the petitioner stating that there are totally 3 accused in this case and the petitioner is arrayed as A3 and that he has got 5 previous cases against him.

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.



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6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, 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.15,000/- (Rupees Fifteen Thousand Only)** with **two sureties out of which, one surety shall be a blood relative**, each for a like sum to the satisfaction of the **learned Magistrate XV, George Town Court, 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 07.30 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;



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[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.

24.04.2023

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To

1. The Magistrate, XV,
George Town Court, Chennai.
2. The Inspector of Police,
H1 Old Washermenpet Police Station,
Chennai – 600 021.
3. The Puzhal II Jail,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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