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Crl.OP.No.10448 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.10448 of 2023

1. Selva Vinayagam
2. Saravanan

..Petitioners

Vs.

State Represented by
The Inspector of Police,
Redhills Police Station,
Redhills,
Chennai.

(Crime No.227 of 2023)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in Crime Number:227 of 2023 on the
file of the Respondent police

For Petitioners : M/s G.Hemavathy

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody
on 12.04.2023 for the offence punishable under Sections 341, 294(b), 336, 427,
392, 397, 506(2) of IPC, in Crime No.227 of 2023 on the file of the respondent



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police, seek bail.

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2. The case of the prosecution is that the petitioners along with other accused waylaid the defacto complainant. When the defacto complainant questioned the same, the accused abused the defacto complainant in filthy language and robbed a sum of Rs.2,700/-, wrist watch and also threatened the defacto complainant with dire consequences. Hence, the present case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case and they are no way connected with the offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioners along with other accused waylaid the defacto complainant. When the defacto complainant questioned the same, the accused abused the defacto complainant in filthy language and robbed a sum of Rs.2,700/-, wrist watch and also threatened the defacto complainant with dire consequences. Hence, he vehemently opposed to grant



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bail to the petitioners.

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5. Considering the above facts and circumstances of the case, and also considering the period of incarceration undergone by the petitioners from 12.04.2023, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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 Judicial Magistrate-II, Ponneri 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 petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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



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petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

05.05.2023

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To

- 1.The Judicial Magistrate-II, Ponneri.
2. The Inspector of Police,
Redhills Police Station,
Redhills,
Chennai.
3. The Central Prison,
Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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