



Crl.OP.No.10737 of 2023

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 11.05.2023

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

Crl.OP.No.10737 of 2023

M.Prabhu Raam

...Petitioner

Vs.

State Rep.by  
The Inspector of Police,  
T16-Semmancherry Police Station,  
Chennai.  
Crime No.97 of 2023

...Respondent

**PRAYER:**Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with Crime No.97 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Jayakumar

For Respondent : Mr.E.Raj Thilak  
Additional Public Prosecutor



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## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 16.03.2023 for the offence punishable under Sections 342, 294(b), 392, 397 and 506(ii) IPC in Crime No.97 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with three other accused trespassed into the house of the defacto complainant's co-workers and by showing weapons, had threatened the defacto complainant and the co-workers and robbed Rs.50,000/-, gold jewels and mobile phone at knife point and also taken away the motorcycle of the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. The learned counsel further submitted that this Court had dismissed the first bail application on 26.04.2023 since the



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petitioner was in custody on another case in Crime No.127 of 2023 on the file of Redhills Police Station. The petitioner thereafter had applied for bail in the said case and was granted bail on 02.05.2023 in Crl.M.P.No.1765 of 2023 by learned Judicial Magistrate – II Ponneri. In view of the change in circumstances and fact that the petitioner is in custody for fifty five days, the learned counsel for the petitioner prayed for bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that it is a case where the petitioner along with three other accused trespassed into the house of the complainant's co-workers and by showing weapons, had threatened the defacto complainant and the co-workers and robbed Rs.50,000/-, gold jewels and mobile phone at knife point and also taken away the motorcycle of the defacto complainant. Hence, he vehemently opposed grant of bail to the petitioner.



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5. Considering the above facts and circumstances of the case, and taking note of the change in circumstances that the petitioner was released on bail in the other case in which he was in custody in Crime No.127 of 2023 and also the fact that the petitioner is in judicial custody for nearly fifty five days, this Court is inclined to grant bail to the petitioner.

6. 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 Judicial Magistrate-II, Alandur 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 daily at 10.30 a.m. until further orders.

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



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

11.05.2023

pvs/dk

*Note:* Office to issue order copy on **12.05.2023**

To

- 1.The Judicial Magistrate-II,  
Alandur.
2. The Inspector of Police,  
T16-Semmancherry Police Station,  
Chennai.
3. The Central Prison,  
Puzhal-II, Chennai.
- 4.The Public Prosecutor,  
High Court of Madras.



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**SUNDER MOHAN, J.**

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