



Crl.O.P.No.10920 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.10920 of 2023

Ayyar @ Rajasekar

... Petitioner

Versus

State represented by ,
The Inspector of Police,
D-2, Anna Salai Police Station,
Chennai.

Crime No.168 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.

praying to release the petitioner on bail in S.C.No.135 of 2023, pending
before the learned XV Additional Sessions Judge, Chennai.

For Petitioner : Mr.R.Chakkaravarthy

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 25.07.2022, for the offence punishable under Sections 392, 397 @ 395, 397 of I.P.C., in Crime No.168 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused assaulted the de-facto complainant/Sivabalan with knife and caused injuries and also robbed a sum of Rs.20 lakhs from him, when he went to deposit the said amount in the SBI ATM at Anna Salai.

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. Further, he would submit that the petitioner was arrested on 25.07.2022 and subsequently, detained under Act 14, which was later set aside by this Court in H.C.P.No.2606 of 2022 vide order dated 26.04.2023. He would further submit that the investigation has been completed and the final report has also been taken up on file in



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S.C.No.135 of 2023 before the learned XV Additional Sessions Judge, Chennai. He would also submit that the co-accused in this case has been granted bail. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused assaulted the de-facto complainant/Sivabalan with knife and caused injuries and also robbed a sum of Rs.20 lakhs from him, when he went to deposit the said amount in the SBI ATM at Anna Salai. He would further submit that the investigation been completed and the case has been taken up in S.C.No.135 of 2023 before the learned XV Additional Sessions Judge, Chennai. He would also submit that 14 previous cases are pending as against the petitioner and if the petitioner is let out on bail, the investigation would be hampered and hence, he opposed the grant of bail.

5. Taking into consideration the facts and circumstances of the case and the submissions of the learned counsel for the petitioner, this Court finds that the petitioner is in custody since 25.07.2022 and the co-



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accused in this case has been granted bail. Also, Considering the period of incarceration and that further custody of the petitioner is not required for investigation, this Court is inclined to grant bail on the following conditions;

[a] the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties (out of which one surety should be a blood related surety), each for a like sum to the satisfaction of the learned Metropolitan Magistrate -II at Egmore, Chennai.

[b] 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.

[c] the petitioner shall appear before the learned XV Additional Sessions Judge, Chennai, on all hearing dates.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

10.05.2023

ham/ab

To

1. The Metropolitan Magistrate- II Court,
Egmore, Chennai.
2. The XV Additional Sessions Court, Chennai.
3. The Inspector of Police,
D-2, Anna Salai Police Station,
Chennai.
4. The Central Prison, Puzhal.
5. The Public Prosecutor,
High Court of Madras, Chennai.

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