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CrI.O.P.No.11260 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

**THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN**

CrI.O.P.No.11260 of 2023

Vasu @ Vasudevan

... Petitioner

Vs.

State by,  
The Inspector of Police,  
Thiruvannamalai Taluk Police Station,  
Thiruvannamalai District.  
(Crime No.81 of 2023)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the petitioner on bail, in Crime No.81 of 2023, on the file  
of the respondent police.

For Petitioner : Mr.S.Silambu Selvan

For Respondent : Mr.S.Sugendran  
Additional Public Prosecutor

**ORDER**

The petitioner, who was arrested and remanded to judicial custody  
on 01.05.2023, in connection with Crime No.81 of 2023 registered for the



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offence punishable under Sections 394, 397 of IPC, seeks bail.

2.The case of the prosecution is that on 26.01.2023 at about 4.30 p.m, while the defacto complainant was standing near his house, the petitioner along with other accused had threatened the defacto complainant and snatched his cell phone and also cash of Rs.2500/- from the defacto complainant at knife point. Hence, the complaint.

3.Learned counsel for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given against the petitioner. He further submitted that the co-accused was released on bail in Crl.MP.No.1310 of 2023 dated 26.04.2023 before the learned Principal District and Sessions Judge, Tiruvannamalai. He further submitted that the petitioner is no way connected with the alleged offence and he is in judicial custody for the past 18 days. Hence, he prayed for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner along with other accused had



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waylaid the defacto complainant and snatched his cell phone and also cash of Rs.2500/- from him at knife point. He further submitted that the property was recovered from the petitioner. However, he opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and two witnesses have been examined and also the co-accused was released on bail and also the property was recovered from the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.2, Thiruvannamalai** 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;



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**[b] the petitioner shall report before the respondent Police on weekly once i.e, on every Saturday 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 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.

**18.05.2023**

*drl*



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To

1. The Judicial Magistrate No.2,  
Thiruvannamalai.
2. The Inspector of Police,  
Thiruvannamalai Taluk Police Station,  
Thiruvannamalai District.
3. The Superintendent, Central Prison,  
Vellore.
4. The Public Prosecutor,  
High Court of Madras.



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**A.A.NAKKIRAN, J.**

*drl*

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**18.05.2023**