



Crl.O.P.No.11457 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

Crl.O.P.No.11457 of 2023

1.R.Rajesh

2.S.Nithish

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
M3 - Puzhal Police Station,
Chennai – 600 066.
(Crime No.301 of 2023)

... Respondent

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

pleaded to enlarge the petitioner on bail, pending investigation in Crime
No.301 of 2023 pending investigation, on the file of the respondent police.

For Petitioners : Mr.C.Sakthivel

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 05.05.2023, in connection with Crime No.301 of 2023 registered



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for the offence punishable under Section 392 of IPC, seek bail.

2.The case of the prosecution as per the defacto complainant is that, on 05.05.2023, when the defacto complainant was working in his shop, at that time, the petitioners went to the defacto complainant's shop and snatched a sum of Rs.1,000/- from his pocket and also threatened him with dire consequences. Hence, the complaint.

3.Learned counsel for the petitioners submitted that the petitioners are innocent persons and due to previous motive between the petitioners and the defacto complainant, they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are in judicial custody for the past 15 days. Hence, he prayed for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that when the defacto complainant was working in his shop, at that time, the petitioners went to the defacto complainant's shop and snatched a sum of Rs.1,000/- from his pocket and also threatened him with



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dire consequences. He further submits that the first petitioner has five previous cases which are similar in nature and he is also a History Sheeter in the respondent police station and as far as the second petitioner is concerned, he has no previous case pending against him. He further submitted that there are three witnesses have been examined. However, he opposed for grant of bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioners and there are three witnesses have been examined, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on executing separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) each**, with **two sureties**, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Madhavaram**, 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



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Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent Police daily at 10.00 a.m., until further orders;

[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 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.

18.05.2023

drl

To



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1. The District Munsif cum Judicial Magistrate,
Madhavaram.
2. The Inspector of Police,
M3 - Puzhal Police Station,
Chennai – 600 066.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

drl

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