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Crl.OP.No.11830 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.11830 of 2023

Muthu Irulandi Colony Balaji @ Balaji
S/o.Visveshvaran

... Petitioner

Vs.

State Represented By
The Inspector of Police,
K-3 Aminjikarai Police Station,
(Crime No.142/2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in Crime No.142 of 2023 on the file
of the respondent police .

For Petitioner : Mr.Elumalai

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)



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Crl.OP.No.11830 of 2023

ORDER

The Petitioner, who was arrested and remanded to judicial custody on 05.05.2023 for the offences punishable under Sections 341, 294(b), 323, 392, 397 and 506(ii) of IPC in Crime No.142 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that the petitioner waylaid the defacto complainant and threatened him by showing knife and abused him in filthy language and forcibly robbed a sum of Rs.750/- and a cell phone from the defacto complainant. Hence, the complaint.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely been falsely implicated in this case. He would submit that Petitioner is in judicial custody from 05.05.2023. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the



Crl.OP.No.11830 of 2023

Respondent would vehemently oppose to grant bail by stating that the petitioner waylaid the defacto complainant and threatened him by showing knife and abused him in filthy language and forcibly robbed a sum of Rs.750/- and a cell phone from the defacto complainant. He would also submit that the petitioner is having two previous case and also submit that the cell phone and a cash of Rs.750/- were recovered.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

6. Considering the above facts and circumstances and also considering the period of incarceration suffered by the petitioner and the cell phone and a cash of Rs.750/- were recovered, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one surety shall be a blood surety, each for



Crl.OP.No.11830 of 2023

a like sum to the satisfaction of the learned *V Metropolitan Magistrate, Court, Egmore* and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the petitioner shall co-operate with the pending investigation and report before the respondent police daily at 10.00 a.m and 5.30 p.m., until further orders.

(c) the petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the



Crl.OP.No.11830 of 2023

Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

24.05.2023

Vv/ham

To

1. The V Metropolitan Magistrate Court,
Egmore, Chennai.
2. The Inspector of Police,
K-3 Aminjikarai Police Station.
3. The Central Jail,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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Crl.OP.No.11830 of 2023

SATHI KUMAR SUKUMARA KURUP,J.

Vv/ham

Crl.O.P.No.11830 of 2023

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