



Crl.OP.No.12124 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.12124 of 2023

Shyam

... Petitioner

Vs.

State rep by,
The Inspector of Police,
T-11, Thirunindravur Police Station.
Thiruvallur District.
(Crime No.76 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.76 of 2023, on the file
of the Respondent Police.

For Petitioner : Mr.D.Senthil

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



WEB COPY



Crl.OP.No.12124 of 2023

ORDER

The Petitioner, who was arrested and remanded to judicial custody on 03.05.2023 for the offences punishable under Sections 341, 294(b), 323, 397, 506(ii) I.P.C. in Crime No.76 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the prosecution is that the Petitioner / 2nd Accused along with the other accused on 02.05.2023 at about 09:30 a.m. when the *de-facto* Complainant was coming near TASMACH shop at Nadukuthagai Colony, the petitioner and other accused waylaid and robbed a sum of Rs.3,000/- at knife point and assaulted him with beer bottle and escaped from the place. Hence, the *de-facto* Complainant lodged a Police complaint before the Respondent on 03.05.2023. Based on which the Respondent/Police registered F.I.R. against the Petitioner / 2nd Accused and other accused and arrested the Petitioner.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent person and he has been falsely implicated in



Crl.OP.No.12124 of 2023

this case with an ulterior motive. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl.side) appearing for the Respondent objected the submissions made on behalf of the Petitioner by stating that the Petitioner is having criminal antecedents with four previous cases. He would further submit that if the Petitioner is let out on bail, the investigation would be hampered and hence, he opposed the grant of bail.

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, 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



Crl.OP.No.12124 of 2023

Thousand only) with two sureties, one surety shall be a blood surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No-II, Thiruvallur 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 stay at Chennai and report before the Inspector of Police, B2 Esplanade Police Station, Chennai daily at 10.00 a.m. and 07:00 p.m. He should not leave without obtaining proper permission from the Inspector of Police, B2 Esplanade Police Station, Chennai 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;



Crl.OP.No.12124 of 2023

WEB COPY

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

25.05.2023

Jeni/Mpl



WEB COPY



Crl.OP.No.12124 of 2023

SATHI KUMAR SUKUMARA KURUP,J.

Jeni/Mpl

To

1. The Judicial Magistrate No-I,
Thiruvallur.
- 2.The Inspector of Police,
T-11, Thirunindravur Police Station.
Thiruvallur District.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.12124 of 2023

25.05.2023