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Crl.OP.Nos.11988 & 12039 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.Nos.11988 & 12039 of 2023

Crl. OP.No.11988/2023

K.Vinoth

... Petitioner

Vs.

State Represented by
Inspector of Police
R4, Soundara Pandiyan Angadi Police Station
Chennai – 600 017.

... Respondent

Crl. OP.No.12039/2023

Manivannan alias Senthil

... Petitioner

Vs.

State By
Inspector of Police (L&O),
R4, Soundarapandiyanar Angadi Police Station
T.Nagar, Chennai – 600 017.

... Respondent

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleased to enlarge the Petitioners on bail in Crime No.77 of 2023 pending investigation on the file of the respondent-police.



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For Petitioner in Crl. OP.No.11988/2023: Ms.S.Uma Nachiar

For Petitioner in Crl. OP.No.12039/2023: Mr.T.J.Kulasekar

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

COMMON ORDER

The Petitioners, who were arrested and remanded to judicial custody on 01.05.2023 for the offences punishable under Sections 341, 294(b), 336, 397, 307, 427 and 506(II) IPC in Crime No.77 of 2023 on the file of the Respondent Police, seek bail.

2. The case of the Prosecution is that Petitioners along with other accused threatened the defacto Complainant and robbed a sum of Rs.1,000/- at knife point. Hence, the complaint.

3. The learned Counsel appearing for the Petitioners would submit that the Petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the co-accused in this case have been granted bail by this Court in Crl.O.P.No.11893 of 2023 dated



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24.05.2023 and that the petitioners have been suffering incarceration from 01.05.2023. Therefore, he prays for grant of bail to the Petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the Respondent would submit that the Petitioners along with two other accused threatened the defacto Complainant and robbed a sum of Rs.1,000/- at knife point. However, the said amount had been recovered only from A2. He would further submit that, as regards the Petitioner/A4 in Crl.O.P.No.11988 of 2023 is concerned, there is no previous case and as regards the Petitioner/A3 in Crl.O.P.No.12039 of 2023 is concerned, there are 3 previous cases pending against him. Hence, he vehemently opposed to grant bail to the Petitioners.

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



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6. Considering the above facts and circumstances and the period of incarceration suffered by the Petitioners and also of the fact that co-accused have been granted bail by this Court, this Court is inclined to grant bail to the Petitioners with certain conditions:

7. Accordingly, the Petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned XVII Metropolitan Magistrate, Saidapet at Chennai, and on further conditions 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;



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(b) the petitioners shall report before the respondent police daily at 10.00 a.m., until further orders.

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

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

(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;



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

Ksa-2/Ssi

25.05.2023



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To

1. The XVII Metropolitan Magistrate, Saidapet at Chennai
2. The Inspector of Police
R4, Soundara Pandiyan Angadi Police Station
Chennai – 600 017.
3. Inspector of Police (L&O),
R4, Soundarapandiyanar Angadi Police Station
T.Nagar, Chennai – 600 017.
4. Puzhal Jail, Chennai.
5. Puzhal Prison, Chennai
6. The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP,J.

Ksa-2/Ssi

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