



Crl.O.P.No.12022 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.12022 of 2023

Shankar Lal

... Petitioner

Vs.

State Rep. By,
The Inspector of Police,
G-1, Vepery Police Station,
Chennai - 600007.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.88 of 2023 on the file of
the Respondent.

For Petitioner : M/s.Suresh Ethiraj

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

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 12.04.2023, for the offences punishable under Sections 454 @ 454 & 393 of I.P.C, in Crime No.88 of 2023 on the file of the Respondent Police, seek bail.

2. The case of the Prosecution is that the accused had attempted to commit robbery in the house of the *de-facto* complainant. Hence the case.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he had been falsely implicated in this case. He would further submit that the petitioner is no way connected with the alleged offence and he is in custody from 12.04.2023. He would also submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the Respondent would vehemently oppose for granting bail to the petitioner



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stating that the petitioner is the native of Rajasthan and he along with other accused had attempted to commit robbery in the house of the *de-facto* complainant. He would also submit that investigation in this case is still pending and if he is released on bail at this stage, there is every possibility of him to abscond and hamper the investigation.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) for the respondent Police and perused the materials available on record.

6. Considering the above facts and circumstances of the case and the submissions made by the learned counsel for the petitioner 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 each for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties (out of which, one surety should be a**



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blood relative possessing immovable property at Rajasthan and another surety should be the resident of Chennai), each for a like sum to the satisfaction of the **learned II Metropolitan Magistrate, Egmore, Chennai,** and on further condition that:

(a) the petitioner and the sureties should produce the proof for their permanent residence before the learned II Metropolitan Magistrate, Egmore, Chennai and the learned Magistrate shall satisfy himself with regard to the same;

(b) 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;

(c) the petitioner shall co-operate with the pending investigation and he shall report before the respondent Police, daily at 10.00 a.m., until further orders;

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

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

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



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

(g) 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;

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

25.05.2023

Mpl/Jeni

To

1. The II Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
G-1, Vepery Police Station, Chennai - 600007.
3. The Central Prison,
Puzhal II, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP,J.

Mpl/Jeni

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