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Crl.O.P.No.12481 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.12481 of 2023

D.Dinesh @ Vijay Dinesh

... Petitioner

Vs.

State Represented by
The Inspector of Police,
N-3, Muthialpet Police Station (Crime),
Chennai.

Crime No.346 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.346 of 2022 on the file
of the respondent police pending investigation.

For Petitioner : Mr. K.Subburam

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)



the petitioner has been suffering incarceration from 19.05.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) vehemently opposed for grant of bail to the petitioner stating there are totally 16 accused involved in this case and the petitioner is arrayed as A5. The petitioner along with other accused, by introducing themselves as NIA Official, have robbed a sum of Rs.2,30,00,000/- out of which, a sum of Rs.1,67,00,000/- has been recovered and from the petitioner, a sum of Rs.5 lakhs has been recovered. He further submitted that some of the accused are still absconding and he would oppose for grant of bail.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR.

6. Considering the facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner and also of the fact that the similarly placed co-accused/A4 has been enlarged on bail by this Court and part of the stolen property has been recovered, this Court is inclined to grant of bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties out of which, one surety must be a blood surety**, each for a like sum to the satisfaction of the **learned XVI Metropolitan Magistrate, George Town, Chennai**, 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 Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of three months and thereafter, as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner 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.

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To

1. The XVI Metropolitan Magistrate,
G.T. Chennai.
2. The Inspector of Police,
N-3, Muthialpet Police Station (Crime),
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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