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Crl.O.P.No.12847 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

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

Crl.O.P.No.12847 of 2023

M.Karthik

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
G-5, Secretariat Colony Police Station,
Chennai.

(Crime No.120 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner in Crime No.120 of 2023 pending
investigation on the file of respondent Police.

For Petitioner : Mr.G.Kartheeban

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.05.2023, for the offence punishable under Sections 147, 148, 341, 294(b), 336, 427, 392, 397 & 506(2) of IPC, in connection with Crime No.120 of 2023, registered on the file of the respondent, seeks bail.

2. The case of the prosecution as per the *de facto* complainant/Venkatesan, is that the accused had waylaid him and demanded money for consuming liquor and when he refused, the accused had abused and assaulted him with wooden log and by threatening him with knife, had forcibly taken away a sum of Rs.2500/- from his shirt pocket. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person, aged about 22 years and he has been falsely implicated in this case. He further submitted that the petitioner is no way connected with the alleged offence and he has been arrested only based on the suspicion. He also submitted that the petitioner is in custody from 27.05.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with other accused have waylaid the de-facto complainant and when he refused to give the money as demanded by them, they have assaulted him with wooden log and robbed a sum of Rs.2500/- from him at knife point. He further submitted that only a sum of Rs.700/- has been recovered from the accused. He also submitted that investigation in this case is pending and there is no previous case as against the petitioner, however, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.



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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**, each for a like sum to the satisfaction of the **learned II Metropolitan Magistrate, Egmore**, 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 06.30 p.m., until further orders;

[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;

[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 petitioner 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]*;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

12.06.2023

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To

1. The II Metropolitan Magistrate Court,
Egmore.
2. The Inspector of Police,
G-5, Secretariat Colony Police Station,
Chennai.
3. The Sub Jail,
Saidapet.
4. The Public Prosecutor,
High Court of Madras.



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