



CrI.O.P.No.13111 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

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

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1. Saravanan @ Puruvam

2. Ajith Kumar

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
P6 Police Station,
Kodungaiyur, Chennai.

(Crime No.238 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to grant bail to the petitioners in Crime No.238 of 2023 pending
investigation on the file of respondent Police.

For Petitioners : Mr.S.Ambedkar

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 14.05.2023, for the offence punishable under Sections 147, 148, 341, 294(b), 324, 397 & 506(ii) of IPC, in connection with Crime No.238 of 2023, registered on the file of the respondent Police, seek bail.

2. The case of the prosecution as per the *de facto* complainant/Shajahan, is that the accused had waylaid the de-facto complainant by showing knife, abused him in a filthy language and when they attempted to rob a mobile phone, the de-facto complainant had prevented them, whereas, they had assaulted him with knife, due to which, he sustained grievous injuries. Hence the case.

3. Learned Counsel for the petitioners submitted that the petitioners (A3 & A4 respectively) are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are no way connected with the alleged offence and they have been wrongly implicated in this case. He also submitted that similarly placed co-accused has been granted bail by the learned Principal Session and District Judge,



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Chennai. He also submitted that the petitioners are in custody from 14.05.2023 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 petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners along with other accused had waylaid the de-facto complainant's bike by showing knife and attempted to rob his mobile phone, during which, the de-facto complainant had prevented them, whereas, the accused had inflicted injuries on him. He also submitted that the petitioners are arrayed as A3 & A4 respectively and in respect of A4, two previous cases registered under NDPS Act and PPDL Act were pending and in respect of A3, no previous case is pending. He further submitted that the investigation in this case is pending, hence, he vehemently opposed for grant of bail to the petitioners.

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



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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 petitioners, this Court is inclined to grant bail to the petitioners with certain condition.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond each 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 X Metropolitan Magistrate, Egmore, 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 petitioners shall stay at Villupuram and report before the Inspector of Police, Villupuram West Police Station, everyday at 10.30 a.m., until further orders;

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



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[d] the petitioners 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 petitioners 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.

13.06.2023

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To

1. The X Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
P6 Police Station,
Kodungaiyur, Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
Villupuram West Police Station,
Villupuram.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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