



Crl.O.P.No.13239 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

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

Crl.O.P.No.13239 of 2023

Rajesh @ Setting Rajesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
N2 Kasimedu Police Station,
Chennai.

(Crime No.15 of 2023).

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.15 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.S.Senthilvel

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 25.05.2023, for the alleged offences under Sections 399 & 402 of IPC, in Crime No.15 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.01.2023, when the *de-facto* complainant, Sub-Inspector of Police and his team were on their routine patrol duty, they found that the accused were making preparations for committing dacoity with weapons. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner (A2) is an innocent person, aged about 23 years and he has been falsely implicated in this case, since he has got some previous cases. He also submitted that the respondent has foisted this present case against the petitioner, only in order to keep him under fetters and arrested the petitioner on 25.05.2023. He also submitted that similarly placed co-accused has been granted bail by this Court in Crl.O.P.No.4191 of 2023 vide order dated 27.02.2023. Hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that petitioner is a habitual offender, against whom, 11 previous cases are pending and is also history sheeted in H.S.No.1 of 2020. He further submitted that the petitioner (A2) along with other accused was found in making preparations for committing dacoity with weapons. He also submitted that the investigation in this case is still pending. Hence, he vehemently opposed for grant of bail to the petitioner.

5. At this juncture, the learned learned counsel for the petitioner submitted that out of the 11 previous cases pending against the petitioner, he was acquitted in two cases and two of them are pending trial and only 7 cases are pending investigation. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

6. 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.



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

8. 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 XIV 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 petitioner shall report before the respondent Police, on every alternate day at 07.30p.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;



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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 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]***;

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

28.06.2023

To

1. The XIV Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
N2 Kasimedu Police Station,
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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