



Crl.O.P.No.13605 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM

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

Crl.O.P.No.13605 of 2023

1. Selvam

2. Saravanan

3. Boopalan

4. Avinesh

5. Shanmugam

... Petitioners

Vs.

The State Rep. By
The Inspector of Police, Crime,
G3 - Kilpauk Police Station
Chennai – 600 010.
(Crime No.131 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners in Crime No.131 of 2023 pending on the
file of the respondent police.

For Petitioners : Mr.N.Naresh

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



ORDER

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The petitioners, who were arrested and remanded to judicial custody on 27.05.2023 for the offence punishable under **Section 379 IPC, in Crime No.131 of 2023** on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant is that is engaged in the business of selling Amla (Indian Goosebery) and that he had sent Amla for transport by two lorries from Koyambedu to Central Station, during such time, A1 Dhanush along with seven unknown persons had come to the place of occurrence and waylaid the vehicles and by challenging the drivers, have taken away 81 boxes of Amla, each weighing about 40 kgs and worth about Rs.1,75,000/- and also threatened them. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false compliant has been given them. He would further submit that even as per FIR, the defacto complainant had stated that there was a business rivalry between A1 Dhanush and that the petitioners have been falsely fixed in this case, since they happens to be the friends of A1 Dhanush. He would further submit that the names of the



petitioners not found place in the FIR and that the co-accused have been granted anticipatory bail by this Court in Crl.O.P.Nos.12623 and 12608 of 2023 dated 12.06.2023. Thereby, he would seek for bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent Police would vehemently oppose for grant of bail to the petitioners stating that the petitioners are the friends of A1 Dhanush and the said Dhanush was having enmity with the defacto complainant who is engaged in the business dealing with Amla and thereby, the accused have waylaid the vehicle belonging to the defacto complainant and had taken away 81 boxes of Amla from the vehicle and shifted to another vehicle and transported the same.

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

6. Considering the above 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 some of the



co-accused have been granted anticipatory bail by this Court, this Court is inclined to grant of bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** with **two sureties out of which, one surety shall be the blood relative of the petitioners**, 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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders;

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

[d] the petitioners 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.

20.06.2023

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A.D.JAGADISH CHANDIRA,J.,

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To

1. The Metropolitan Magistrate - II, Egmore.
2. The Inspector of Police,
G3 - Kilpauk Police Station, Crime,
Chennai – 600 010.
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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