



Crl.O.P.No.14013 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM

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

Crl.O.P.No.14013 of 2023

P.Vasikaran

... Petitioner

Vs.

The State rep by,
The Inspector of Police,
E-1 Mylapore Police Station
Chennai- 600 004
(Crime No.211 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.211 of 2023, on the file
of the respondent Police.

For Petitioner : Mr.P.Iyappan

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 22.05.2023, for the offences punishable under **Sections 147, 148, 341, 294(b), 336, 397 and 506(ii) IPC**, in Crime No.211 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant Bharathi is that the petitioner along with 4 other accused had waylaid her and by threatening her, had robbed a sum of Rs.500/- from her at knife point and when the defacto complainant raised an alarm, public had arrived, during which, the accused threatened the public and due to their act, traffic was paralysed. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this. The fact remains that the petitioner has got 8 previous cases against him and he has been granted bail in all those cases and in order to keep the petitioner in continued fetters, a false case has been foisted against him. He further



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submitted that the petitioner is aged only 20 years and he is in custody for more than one month from 22.05.2023 and that he is ready to abide by any stringent conditions as may be imposed by this Court. A very reading of the FIR would go to show that it is a case foisted for the purpose of ground case for detaining the petitioner. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioner stating that the petitioner is a habitual offender against whom there are 8 previous cases out of which, 2 cases are for similar nature.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the contents in the FIR.

6. Taking into consideration the age of the petitioner, the facts and circumstances of the case, the submissions made by the learned counsel on either side and also the period of incarceration undergone by the petitioner, this Court is inclined to grant 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.15,000/- (Rupees Fifteen Thousand only)** with **two sureties out of which, one surety shall be either the father or mother of the petitioner**, each for a like sum to the satisfaction of the **learned XVIII Metropolitan Magistrate, Saidapet**, 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 XVIII Metropolitan Magistrate, Saidapet, Chennai on all working days at 10.30 a.m., for a period of four weeks and thereafter, report before the respondent Police, on every Saturday at 6.30 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;



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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.

23.06.2023

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To

1. The XVIII Metropolitan Magistrate, Saidapet
2. The Inspector of Police,
E-1 Mylapore Police Station
Chennai- 600 004
3. The Puzhal Jail
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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