



WEB COPY



Crl.O.P.No.13990 of 2023

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.13990 of 2023

1. Ashok

2. Selvaganapathy

... Petitioners

Vs.

The State rep by,
The Inspector of Police
R-9, Valasaravakkam Police Station
Chennai
(Crime No.166 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.166 of 2023, on the file
of the respondent Police.

For Petitioners : Mr.K.Madhan

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



CrI.O.P.No.13990 of 2023

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 28.05.2023, for the offences punishable under **Sections 341, 294(b), 397 and 506(ii) IPC**, in Crime No.166 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant I Court Raja is that he is running a provisional store. On 27.05.2023, the petitioners went to the shop of the defacto complainant and purchased some grocery items and tried to leave the place without paying money and when the defacto complainant asked for money, they threatened him with knife and also robbed a sum of Rs.300/- from him. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this. He would further submit that the defacto complainant had supplied expired items and when the same was questioned, there was a quarrel between them due to which, a false complaint has been given against the petitioners and



Crl.O.P.No.13990 of 2023

only after their arrest, they were implicated in another case. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police vehemently opposed for grant of bail to the petitioners stating that the 1st petitioner has got 2 previous cases against him and the 2nd petitioner has got 1 previous case against him.

5. Heard the learned Counsel for the Petitioners and the learned Government Advocate (Crl.Side) and perused the 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 also considering the period of incarceration, this Court is inclined to grant 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.10,000/- (Rupees Ten**



CrI.O.P.No.13990 of 2023

thousand only) with two sureties out which one surety shall be a blood relative of the petitioners, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Poonamallee**, 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., for a period of two weeks and thereafter, on every Saturday 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;

[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



WEB COPY



CrI.O.P.No.13990 of 2023

can be registered under Section 229A IPC.

23.06.2023

ksa-2

To

1. The Judicial Magistrate No.I, Poonamallee
2. The Inspector of Police
R-9, Valasaravakkam Police Station
Chennai
3. The Central Prison, Puzhal, Chennai
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.13990 of 2023

A.D.JAGADISH CHANDIRA.,J.

ksa-2

Crl.O.P.No.13990 of 2023

23.06.2023