



Crl.O.P.No.14186 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

CORAM

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

Crl.O.P.No.14186 of 2023

R.Jayaseelan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
P-1, Pullianthope Police Station,
Chennai city.

(Crime No.172 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.172 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.M.Vinoth

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 03.05.2023 for the offences punishable under Sections 294(b), 323, 397, 506(ii) of IPC in Crime No.172 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner waylaid the defacto complainant and demanded from him and when he refused to give the money, the petitioner has robbed a sum of Rs.580/- from him at knife point. 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 case. He further submitted that the fact remains that the petitioner has got some 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 submitted that a very reading of the FIR would go to show that it is a case foisted for the purpose of ground case for



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detaining the petitioner. He also submitted that the petitioner is in custody from 03.05.2023, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that the petitioner is a habitual offender, against whom, there are 14 previous case and out of which, 7 cases are similar nature. As far as this case is concerned, the petitioner waylaid the defacto complainant and demanded from him and when he refused to give the money, the petitioner has robbed a sum of Rs.580/- from him at knife point. Hence, he opposed for grant of bail to the petitioner.

5. 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 including the contents of the FIR.

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 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.10,000/- (Rupees Ten thousand only)** with **two sureties**, out of which, one should be either the mother or father of the petitioner, each for a like sum to the satisfaction of the **learned X 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 petitioner shall stay Chithambaram and report before the Inspector of Police, Chithambaram Town Police Station, everyday at 10.30 a.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;

[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



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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.

26.06.2023

vr

To

1. The X Metropolitan Magistrate,
Egmore.
2. The Inspector of Police,
P-1, Pullianthope Police Station,
Chennai city.
3. The Inspector of Police,
Chithambaram Town Police Station,
4. The Central Prison,
Puzhal.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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