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Crl.O.P.No.14528 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM

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

Crl.O.P.No.14528 of 2023

Karthi @ Karima Karthi

... Petitioner

Vs.

State rep by
The Inspector of Police
E-1, Mylapore Police Station,
Chennai 600 004.

Crime No.209 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.209 of 2023 on the file
of the respondent police.

For Petitioner : Mr.B.Sridhar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 20.05.2023 for the offences punishable under Sections 147, 148, 341,
294(b), 336, 397 and 506(ii) of IPC in Crime No.209 of 2023 on the file of
the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner along with other accused had threatened the defacto complainant and robbed a sum of Rs.1,000/- at knife point. Hence the case.

3. The learned counsel for the petitioner would submit that this the second application for bail filed by the petitioner and the earlier application for bail was dismissed by this Court stating that the petitioner was arrested very recently. He would further submit that admittedly 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 complaint has been given through the defacto complainant. He further submitted that even as per the complaint, the petitioner and the other accused are stated to have been known to the defacto complainant. The further reading of the FIR would go to show that it is a case foisted for the purpose of ground case for detaining the petitioner under Act 14. He would also submit that the petitioner is in custody from 20.05.2023, hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner is a history sheeted rowdy,



against whom, there are six previous cases pending. As far as this case is concerned, the petitioner along with other accused had threatened the defacto complainant and robbed a sum of Rs.1,000/- 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. 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, this Court is inclined to grant of bail to the petitioner with certain conditions.

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**, each for a like sum to the satisfaction of the **learned XXIV 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



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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 everyday at 7.30 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;

[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.

28.06.2023

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To

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1. The XXIV Metropolitan Magistrate,
Saidapet.
2. The Inspector of Police
E-1, Mylapore Police Station,
Chennai 600 004.
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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