



Crl.O.P.No.14200 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.14200 of 2023

Manivannan

... Petitioner

Vs.

The State by,
Inspector of Police,
Avadi Tank Factory Police Station
Avadi, Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in Crime No.154 of 2023, on the file
of the respondent Police.

For Petitioner : Mr.V.Babu

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 22.03.2023, for the offences punishable under **Sections 294(b), 323, 336, 427, 397, 506(II) IPC**, in Crime No.154 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that he is running a Tea Stall. On 22.03.2023, the petitioner came to his shop and had Tea and biscuit and thereafter, when the defacto complainant asked for money, he abused him with filthy language and assaulted with hands and subsequently, at knife point robbed a sum of Rs.450/- from his cash box. 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. He would further submit that the petitioner is in custody for more than 90 days from 22.03.2023 and the charge sheet has not been filed. Earlier, the petitioner was detained under Act 14 of 1982 and subsequently, the detention



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order was revoked by the Advisory Board. 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 5 previous cases out of which, 2 cases are for similar nature. However, he would submit that the charge sheet has not been filed.

5. Heard the learned Counsel for the Petitioner 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 of the fact that the petitioner has been languishing in jail for more than 90 days and that the charge sheet has not been filed, 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Ambattur**, 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 respondent Police, everyday at 6.30 p.m., for a period of two weeks and thereafter, 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;

[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



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can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate, Ambattur
2. Inspector of Police,
Avadi Tank Factory Police Station
Avadi, Chennai.
3. The Sub Jail, Poonamallee
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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