



Crl.O.P.No.14196 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

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

Crl.O.P.No.14196 of 2023

Sarathkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur District.

(Crime No.426 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.426 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.P.Chandrasekar

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



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detaining the petitioner. He also submitted that there is absolutely no injury to the defacto complainant and the petitioner is in custody from 31.05.2023. 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 history sheeted rowdy, against whom, there are 11 previous case pending. As far as this case is concerned, the petitioner along with other accused were consuming alcohol near the shop of the defacto complainant and when the same was questioned by the defacto complainant, the accused have abused him in a filthy language and robbed Rs.3000/- and his mobile phone at knife point. Hence, he opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner is aged about 20 years and the parents of the petitioner are ready to stand as surety to him. He also submitted that the petitioner has also suffered a fracture in the hand. Hence, he prayed for grant of bail to the petitioner.



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6. 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.

7. 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.

8. 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 Judicial Magistrate No.II, Ponneri**, 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 Cuddalore and report before the Inspector of Police, Cuddalore Old Town Police Station, everyday at 10.30 a.m and 5.30



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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 can be registered under Section 229A IPC.

26.06.2023

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To

1. The Judicial Magistrate No.II,
Ponneri.
2. The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur District.

A.D.JAGADISH CHANDIRA.,J.



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3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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