

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

CORAM

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

Crl.O.P.No.14308 of 2023

Ghanikumar

... Petitioner

Vs.

State rep by
The Inspector of Police
B-4, Sevvapet Police Station,

Crime No.239 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.239 of 2023 on the file
of the respondent police.

For Petitioner : Mr.M.Illiyas

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 13.05.2023 for the offences punishable under Section 399 of IPC in
Crime No.239 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 was found making preparation to commit dacoity and deadly weapons were also recovered from them. 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 detaining the petitioner. He further submitted that the co-accused in this case has been granted bail by the trial Court in Crl.M.P.No.2686 of 2023 and he is in custody from 13.05.2023. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent vehemently opposed for grant of bail to the petitioner stating that the petitioner along with six other accused, was found making preparation to commit dacoity with deadly weapons. He further submitted that there are five

previous cases pending against the petitioner. Hence, he prayed for grant of dismissal of the petition.

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.

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 Judicial Magistrate No.II, Thiruvallur** 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 9.30 a.m and 5.30 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.

27.06.2023

vr

To

1. The Judicial Magistrate No.II,
Thiruvallur.
2. The Inspector of Police
B-4, Sevvapet Police Station,
3. The Central Prison,
Puzhal.
4. The Public Prosecutor, High Court of Madras.

A.D.JAGADISH CHANDIRA,J.,

vk

Crl.O.P.No.14308 of 2023

27.06.2023