



Crl.O.P.No.14435 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

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

Crl.O.P.No.14435 of 2023

Ramu @ Mottai Ramu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
E4 Abiramapuram Police Station,
Chennai - 600 028.

(Crime No.124 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.124 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.C.Ganesh Pandiyan

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 29.05.2023, for the alleged offences under Sections 341, 294(b), 323, 324, 336, 397 & 506(ii) of IPC, in Crime No.124 of 2023, registered on the file of the respondent police, seek bail.

2. The case of the prosecution is that the accused persons have waylaid the de-facto complainant and demanded a sum of Rs.2000/- from and since the *de facto* complainant refused to give money, the accused had abused and assaulted him, due to which, he sustained grievous injuries. Further, they had taken away a sum of Rs.900/- from the *de facto* complainant. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 22 years, is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner has nothing to do with the alleged offence and the respondent Police has foisted this case against the petitioner only for statistical purposes. He further submitted that the petitioner is in custody from 29.05.2023 and he is ready to abide by any



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stringent conditions that may be imposed by this Court. 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 (A3) along with other accused had waylaid the de-facto complainant and by abusing and assaulting him, had robbed a sum of Rs.900 from him. He also submitted that the investigation in this case is still pending. He further submitted that nine previous cases are pending against this petitioner. 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.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either sides, taking note of 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**, each for a like sum to the satisfaction of the **learned XXIII Metropolitan Magistrate, Saidapet, Chennai**, 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 at Tirunelveli and report before the Inspector of Police, Tirunelveli Town Police Station, everyday at 10.30 a.m. for a period of two weeks and thereafter, report before the respondent Police, everyday at 07.30 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



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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.

28.06.2023

To

1. The XXIII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
E4 Abiramapuram Police Station,
Chennai - 600 028.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli.



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A.D.JAGADISH CHANDIRA.,J.

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