



CrI.OP.No.16878 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.08.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.OP.No.16878 of 2023

Vijayaprabhu

..Petitioner

Vs.

The State Rep. By
The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai.
Crime No.168 of 2023

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.168 of 2023
pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Mohan Raj

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.06.2023 for the offences punishable under Section 397 of IPC in Crime No.168 of 2023, on the file of the respondent police seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated in this case. Petitioner is an auto driver and he is no way involved in the offence alleged in the First Information Report. Petitioner is in Judicial Custody from 26.06.2023. Thus, he seeks bail to the petitioner.

3. The learned Additional Public Prosecutor submitted that, on 26.06.2023, early morning at about 01.00.a.m., accused had come with deadly weapons and attacked the defacto complainant and his friends and took Rs.37,000/- and 7 mobile phones. He further submitted that, out 7 mobile phones, 4 mobile phones and Rs.2,300/- were recovered.



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4. As directed by this Court, learned Additional Public Prosecutor produced the statement of the defacto complainant and eye-witnesses. It is seen from the statements that, they have not identified the accused by name or any other identification. Though, FIR was registered on 26.06.2023 and the accused are arrested immediately, till now, respondent police had not conducted test identification parade. In the said circumstances, considering the period of incarceration undergone by the petitioner ie from 26.06.2023, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **XIII Metropolitan Magistrate, Egmore, 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.



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[b] the petitioner shall report before the respondent police daily at 10.30.a.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 petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

02.08.2023

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To

- 1.XIII Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai.
3. Central Prison,
Puzhal -II, Chennai.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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