



Crl.O.P.No.16916 of 2023

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G. CHANDRASEKHARAN, J.

This matter is listed today under the caption "for being mentioned".

2. Learned counsel for the petitioner submitted that, the provision under the IPC Act, is inadvertently mentioned as Section 501(i) IPC instead of Section 506(i) IPC in paragraph 1 and 2 and the date of occurrence in paragraph 6, is wrongly mentioned as 13.06.2023 instead of 13.05.2023 in the order dated 31.07.2023.

3. Considering the submission of the learned counsel for the petitioner and after perusing the order dated 31.07.2023, this Court directs the Registry to correct the mistake in the order and issue fresh order copy by today.

4. Accordingly, this Criminal Original Petition is clarified.

08.08.2023

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Note: Issue order copy by today (08.08.2023).



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CrI.O.P.No.16916 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM

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

CrI.O.P.No.16916 of 2023

S.Rajkumar @ Sathish

...Petitioner

Vs.

The State represented by
The Inspector of Police,
B-2, Esplanade Police Station,
Chennai.
Crime No.100 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner/accused No.2 herein on bail in Crime No.100 of 2023 on the file of the respondent/complainant i.e., on the file of the Inspector of Police, B-2 Esplanade Police Station, Chennai.

For Petitioner : Mr.T.K.Ashok Kumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER



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17.05.2023 for the offences punishable under Sections 341, 294(b), 323, 363, 392, 501(i) IPC in Crime No.100 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is falsely implicated as an accused, on the basis of the confessional statement of the co-accused in Crime No.100 of 2023 for the offences under Sections 341, 294(b), 323, 363, 392, 501(i) IPC. Petitioner is in judicial custody from 17.05.2023. Petitioner has nothing to do with the alleged robbery of Rs.30,00,000/- from the defacto complainant. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor opposes this petition, on the ground that, petitioner had followed the 1st accused in another two wheeler and assisted the 1st accused in the robbery. Therefore, he prays for dismissal of this bail petition.

4. When this Court asked, what is the material available against the petitioner, establishing that, petitioner assisted the 1st accused in commission of robbery, it is informed by the learned Additional Public Prosecutor, on instructions from Ms.I.Vanitha, Sub Inspector of Police, B2 Police Station that,

<https://www.mhcoj.gov.in/judis> petitioner is implicated in this case, only on the basis of the confessional



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statement of the 1st accused.

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5. Considered the submissions and perused the records.

6. As per the first information Report, it was the 1st accused, who had waylaid the defacto complainant on 13.06.2023, at about 9.00 p.m., and robbed him of a sum of Rs.30,00,000/-. There is nothing stated about the petitioner following the 1st accused in a two wheeler. It is apparent that, this petitioner is implicated in this case, only on the basis of the confessional statement of the co-accused.

7. Considering the fact that, there is no incriminating material produced against the petitioner and that petitioner is in judicial custody from 17.05.2023 and that out of Rs.30,00,000/-, Rs.21,00,000/- and 53 grams of jewels had been recovered and that the substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner and 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 **VII Metropolitan Magistrate Court,**



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George Town, Chennai and on further conditions that :-

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[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 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 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 absconds, a fresh FIR can be



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registered under Section 229A IPC.

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31.07.2023

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To

1.The VII Metropolitan Magistrate Court, George Town, Chennai.

2.The Chennai Central Prison,
Puzhal.

3.The Inspector of Police,
B-2, Esplanade Police Station,
Chennai.

4.The Public Prosecutor,
High Court of Madras.

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