



Crl.O.P.No.17021 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

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

Crl.O.P.No.17021 of 2023

Srinath

...Petitioner

Vs.

The State represented by
The Inspector of Police,
C-5, Kothaval Chavadi Police Station,
Chennai.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.31 of 2023 on the file of the respondent police with stringent condition.

For Petitioner : Mr.M.K.Yukanth

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



Crl.O.P.No.17021 of 2023

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.06.2023 for the offences punishable under Sections 392 and 511 IPC in Crime No.31 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 in Crime No.31 of 2023 for the offences under Sections 392 and 511 IPC. Learned counsel for the petitioner submitted that, there was a wordy quarrel between the defacto complainant and the petitioner, and as a result, petitioner is falsely implicated in this case. The allegation that, petitioner had taken the cell phone and Rs.300 from the defacto complainant is not correct. He further submitted that, petitioner is a college student. Petitioner is in judicial custody from 29.06.2023. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor opposes this petition, on the ground that, on 28.06.2023, at about 10.00 a.m., to 10.30 p.m, when the defacto complainant was walking in Annapillai



Crl.O.P.No.17021 of 2023

street, two persons came there and forcefully taken defacto complainant's cell phone and Rs.300/- by beating him. One person came from the opposite side, got the cell phone from the accused and handed over to the defacto complainant. However, Rs.300 is not recovered. Therefore, he prays for dismissal of this bail petition.

4. Considering the nature of the allegations made in the first information report and that petitioner is a college student and that material 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 **VIII Metropolitan Magistrate, George Town** 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



Crl.O.P.No.17021 of 2023

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 registered under Section 229A IPC.

01.08.2023

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4/6



Crl.O.P.No.17021 of 2023

1.The VIII Metropolitan Magistrate, George Town.

2.The Puzhal Prison.

3.The Inspector of Police,
C-5, Kothaval Chavadi Police Station,
Chennai.

4.The Public Prosecutor,
High Court of Madras.

G.CHANDRASEKHARAN. J.



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Crl.O.P.No.17021 of 2023

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Crl.O.P.No.17021 of 2023

01.08.2023