



Crl.O.P.No.19933 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM

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

Crl.O.P.No.19933 of 2023

Sabari @ Sabarianandhan

...Petitioner

Vs.

State Represented by,
The Inspector of Police,
C-2, Elephant Gate Police Station,
Chennai – 600 079.
Crime No.126 of 2023
...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.126 of 2023 on the file of the respondent police.

For Petitioner : Mr.D.Umashankar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.08.2023 for the offences punishable under Sections 147, 294(b), 323, 427, 392, 397, 506(ii) of IPC in Crime No.126 of 2023 on the file of the respondent police, seeks bail.

2.Learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated in Crime No.126 of 2023 for the offences punishable under Sections 147, 294(b), 323, 427, 392, 397, 506(ii) IPC, on the allegation that on 11.08.2023 at about 11 a.m., petitioner had forcefully taken Rs.1,000/- from the defacto complainant and made criminal intimidation. Petitioner is in judicial custody from 11.08.2023. He further submitted that, petitioner was not at all present at the scene of occurrence on the date of incident. Infact, on the date of the alleged incident, on 11.08.2023, petitioner had a case in S.C.No.129 of 2023 on the file of the XX Additional City Civil Court, Chennai and the petitioner was present before the Court. To that effect, copy of the daily status report was also produced. Thus, he seeks for



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grant of bail to the petitioner.

3. In reply, the learned Additional Public Prosecutor submitted that, on 11.08.2023 at about 11 a.m., petitioner had forcefully taken Rs.1,000/- from the defacto complainant and made criminal intimidation. Apart from this case, there are six previous cases pending against the petitioner.

4. Considered the rival submissions and perused the records. It is seen from the daily status report, petitioner had appeared before the XX Additional District Judge, City Civil Court, Chennai in connection with S.C.No.129 of 2023 and therefore, it is doubtful, whether the incident alleged in the FIR has taken place or not. Petitioner is in Judicial Custody from 11.08.2023 and that material part of the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner.



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5. Accordingly, 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 M.M. George Town, 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 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



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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.

31.08.2023

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To

- 1.The VIII M.M. George Town,
Chennai.
- 2.Central Prison,
Puzhal, Chennai.
- 3.The Inspector of Police,
C-2, Elephant Gate Police Station,
Chennai – 600 079.
- 4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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