



Crl.O.P.No.20004 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.20004 of 2023

Ilayaraja

...Petitioner

Vs.

The State rep. by,
Inspector of Police,
R6 Kumaran Nagar Police Station,
Crime No.129 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.129 of 2023 on the file of the respondent police.

For Petitioner : Mr.J.William Shakesphere

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.07.2023 for the offences punishable under Sections 147, 148, 341, 294(b), 392, 397, 506(2) of IPC in Crime No.129 of 2023 on the file of the respondent police, seeks bail.

2.It is the submission of the learned counsel for the petitioner submitted that taking advantage of the fact that petitioner has previous cases pending against him, this case is foisted against him with a view to detain him. Petitioner is in Judicial Custody from 04.07.2023. Thus, he seeks bail to the petitioner.

3.In response, the learned Additional Public Prosecutor submitted that accused in this case on 18.04.2023 at about 7.00 p.m. when the defacto-complainant was about to consume alcohol in a park in Pudhutheru, came with deadly weapons like knife, threatened defacto-complainant and others and had robbed Rs.600/- from him. Petitioner has twenty-one previous cases pending against him.



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4.Considered the rival submissions and perused the records.

5.Considering the nature of allegations made against the petitioner, and the submission of learned counsel for petitioner that co-accused had been granted bail by trial Court and that petitioner is in Judicial Custody from 04.07.2023, this Court is inclined to grant bail to the petitioner.

6. Accordingly, 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 **XXIII Metropolitan Magistrate Court, Saidapet, Chennai – 600 015** 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 10.00.a.m., and evening at 5.00 p.m. until further orders.



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[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.

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To

- 1.The XXIII Metropolitan Magistrate Court,
Saidapet, Chennai – 600 015.
- 2.Central Prison,
Puzhal, Chennai.
- 3.The Inspector of Police,
R6 Kumaran Nagar Police Station
- 4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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