



Crl.O.P.No.20876 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

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

Crl.O.P.No.20876 of 2023

Akash

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
M-5, Ennore Police Station,
Thiruvallur District.
(Crime No.499 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.499 of 2023 on the file of respondent Police.

For Petitioner : Mr.M.Muthuramalingam

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.07.2023 for the offences punishable under Sections 294 (b), 336, 341, 392, 397 and 506 (ii) I.P.C in Crime No.499 of 2023 on the file of



Crl.O.P.No.20876 of 2023

the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that taking advantage of some cases pending against the petitioner, respondent Police had falsely implicated the petitioner in this case. Petitioner is innocent. Petitioner is in judicial custody from 28.07.2023. Thus, he prays for grant of bail.

3.In response, the learned Additional Public Prosecutor submitted that on 28.07.2023 at about 07.00 a.m., when defacto-complainant was going near Ernavur Murugan Temple, accused came from opposite direction and asked him to pay money for consuming alcohol. When defacto-complainant replied him that he had no money, the accused had threatened defacto-complainant at the point of knife and had forcibly taken Rs.450/- from his shirt. Thus, the case came to be registered.

4.Considered the rival submissions and perused the records.

5.Considering the nature of the allegations made against the petitioner, that petitioner is in judicial custody from 28.07.2023 and that



Crl.O.P.No.20876 of 2023

material part of investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner with conditions.

6. 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 Judicial Magistrate, Thiruvottiyur**, 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., 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



CrI.O.P.No.20876 of 2023

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.

13.09.2023

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Crl.O.P.No.20876 of 2023

To

- 1.The Judicial Magistrate
Thiruvottiyur.
- 2.The Inspector of Police,
M-5, Ennore Police Station,
Thiruvallur District.
- 3.Central Prison,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras



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Crl.O.P.No.20876 of 2023

G.CHANDRASEKHARAN. J.

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Crl.O.P.No.20876 of 2023



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Crl.O.P.No.20876 of 2023

13.09.2023