



Crl.OP.No.22127 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.22127 of 2023

Devanathan

...Petitioner

Vs.

The State Rep by
The Inspector of Police
Auroville Police Station,
Villupuram District.
(Crime No.306 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.306 of 2023 on the
file of the respondent police.

For Petitioner : Mr. A.Anandharaj

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor.



CrI.OP.No.22127 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.08.2023 for the offences punishable under Sections 294(b), 341, 395, 397 and 506(ii) of IPC in Crime No.306 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is falsely implicated in a case registered in Crime No.306 of 2023 for the offences under Sections 294(b), 341, 395, 397 and 506(ii) of IPC. Infact, petitioner's name is not mentioned in the FIR and he is implicated based on the confessional statement of the co-accused. Petitioner is in Judicial Custody from 30.08.2023. Thus, he seeks bail to the petitioner.

3. In response, learned Additional Public Prosecutor submitted that, on 28.08.2023 at about 04.15.p.m., defacto complainant was coming in his two wheeler bearing Reg.No.PY 052471 near graveyard of his village. At that time, he was waylaid by the accused 1. Marumany 2. Dinesh and 3.Pandi and five others. They attacked the defacto complainant stating that, he is supporting one Prakash and robbed a sum



CrI.OP.No.22127 of 2023

of Rs.5,000/- and OPPO cell phone from him. They also threatened the defacto complainant with deadly weapons. He further submitted that, apart from this case, petitioner has one previous case registered under Section 306 of IPC.

4. To a query whether test identification parade was conducted in this case to identify the petitioner, learned Additional Public Prosecutor on instructions from one Natarajan, Sub Inspector of Police submitted that, Test Identification Parade has not been conducted in this case so far.

5. When accused name is not mentioned in the FIR, it is necessary that, Test Identification Parade should be conducted to identify the involvement of the accused in this case. When it is not done, this Court is of the view that, petitioner may be released on bail 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



CrI.OP.No.22127 of 2023

of the **Learned Judicial Magistrate Vanur** 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 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.

26.09.2023

sma



CrI.OP.No.22127 of 2023

To

WEB COPY

1. Judicial Magistrate, Vanur
2. The Inspector of Police
Auroville Police Station,
Villupuram District.
3. District Prison,
Villupuram.
4. The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.OP.No.22127 of 2023

G.CHANDRASEKHARAN. J.

sma

Crl.O.P.No.22127 of 2023

26.09.2023