

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2023

CORAM:

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.22679 of 2023

Sundu @ Naveen Kumar

.. Petitioner

Vs.

The State of Tamil Nadu
Rep.by the Inspector of Police,
P-4, Basin Bridge Police Station,
Chennai.
(Crime No.380 of 2023)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C
praying to enlarge the Petitioner/Accused on bail, pending investigation
of the case in Crime No.380 of 2023 on the file of the Respondent Police.

For Petitioner : Mr.M.Parthiban

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

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 04.09.2023 for the alleged offences punishable under Sections 341,

294(b), 324, 336, 397, 506(ii) of IPC in Crime No.380 of 2023, on the file of the Respondent Police, seeks bail.

2. The case of the prosecution is that the defacto complainant was waylaid by the Accused persons. They had assaulted him, snatched a sum of Rs.450/- and escaped from the scene of occurrence. Hence, the case.

3. The learned Counsel for the Petitioner submitted that the Petitioner is innocent and arrayed as a Accused in this case. He is in prison from 04.09.2023. Hence he prays to grant bail to the Petitioner.

4. The learned Additional Public Prosecutor has submitted that the defacto complainant was waylaid by the Accused persons. They had assaulted him, snatched a sum of Rs.450/- and escaped from the scene of occurrence. Hence, he vehemently opposed to grant bail to the Petitioner.

5. Heard the learned Counsel for the Petitioner, the learned Additional Public Prosecutor and perused the materials available on record including the First Information Report.

6. Considering the above facts and circumstances, also the considering the period of incarceration suffered by the Petitioner, this

Court is inclined to grant bail to the Petitioner with certain conditions:

7. Accordingly, the 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 for a likesum amount each to the satisfaction of the learned X Metropolitan Magistrate, Egmore. One of the surety shall be a blood relative. On further condition that :

a) the sureties shall affix their photographs and Left Thumb Impression on the surety bond. The learned X Metropolitan Magistrate, Egmore, may obtain a copy of their Aadhar Card or voter identity card or driving licence or PAN Card or Bank Pass Book with photo affixed and attested by Bank Manager to ensure their identity;

b) the Petitioner shall stay at Chidambaram and report before the Inspector of Police, Chidambaram Town Police Station daily at 10.30 a.m., until further orders.

c) the Petitioner shall co-operate with pending investigation;

d) the Petitioner shall co-operate with the Court proceedings till disposal of the case after trial;

e) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial:

f) the Petitioner shall not abscond either during

investigation or trial;

g) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned X Metropolitan Magistrate, Egmore or the trial Court as the case may be, as per the stage of the proceedings;

h) the learned Judicial Magistrate/Trial Court as the case may be shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail was granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala (2005) AIR SCW 5560* and

i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

29.09.2023

Vv

To

1. The X Metropolitan Magistrate,
Egmore
2. The Inspector of Police,
P-4, Basin Bridge Police Station,
Chennai.
3. The Central Prison,
Puzhal
4. The Public Prosecutor,
High Court of Madras, Chennai.

Crl.OP.No.22679 of 2023

SATHI KUMAR SUKUMARA KURUP.J.,

Vv

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