



WEB COPY



Crl.O.P.No. 25095 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.25095 of 2023

1.A.Saravanan

2.S.Adhi @ Adhithya

... petitioners

Vs.

The State rep. by:-

The Inspector of Police,

Sevvapet Police Station, Avadi,

Tiruvallur District.

(Crime No.437 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners / Accused on bail in Crime No.437 of 2023
pending on the file of the respondent Police.

For petitioners : Mr.A.Samson

For Respondent : Mr.R.Kishore Kumar

Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 23.08.2023 for the offence punishable under Section 395 IPC in Crime No.437 of 2023, seek bail.



Crl.O.P.No. 25095 of 2023

WEB COPY

2. The case of the prosecution is that the defacto complainant is a gold retailer. On 10.08.2023, while the defacto complainant was returning to home after business, he was in possession of 1.100 Kgs of gold and cash of Rs.5,00,000/-. At that time, the petitioners along with other accused waylaid the defacto complainant and assaulted him with knife and robbed 1.100 Kgs of gold and cash. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the properties have been recovered and the petitioners are ready to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4.This is the second application for bail filed by the petitioner. It is also informed that the other accused namely A4, A5, A7 and A8 had been granted bail.

5.Taking into consideration that there has been substantial progress in the investigation, this Court is inclined to grant bail to the petitioners with certain conditions.



Crl.O.P.No. 25095 of 2023

WEB COPY

6. Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a separate sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thiruvallur, 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 petitioners shall report before the respondent police, everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid



WEB COPY



Crl.O.P.No. 25095 of 2023

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.

01.11.2023

vkf

To

1. The Judicial Magistrate No.II, Thiruvallur.
2. The Inspector of Police,
Sevvapet Police Station, Avadi,
Tiruvallur District.
3. The Central Prison, Puzhal II.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No. 25095 of 2023

C.V.KARTHIKEYAN, J.

vk

Crl.O.P.No.25095 of 2023

01.11.2023