



WEB COPY



Crl.O.P.No.28982 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.28982 of 2023

1. Surendhar @ Suresh
2. Balaji

... Petitioners

Vs.

The State rep by
The Inspector of Police,
Tank Factory Police Station,
Chennai

Crime No.757 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner / Accused on bail in Crime No.757 of 2023

pending on the file of the respondent Police.

For Petitioner : Mr.S.Senthil Kumar

For Respondent : Mrs.G.V.Kasthuri

Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 02.12.2023 for the offences punishable under Sections 341, 294(b), 323, 336, 427, 397 & 506(ii) of IPC in Crime No.757 of 2023 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner waylaid the



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defacto complainant and robbed Rs.650/- and threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been in judicial custody from 02.12.2023 and hence, he seeks for granting of bail to the petitioner.

4.The learned Additional Public Prosecutor for the respondent submitted that the petitioner threatened and robbed Rs.650/- from the de-facto complainant. She further submitted that there is one previous case pending against the petitioners. Hence, she opposed for granting of bail to the petitioner.

5.Heard both side and perused the materials available on record.

6.Considering the rival submissions made on either side and taking into consideration the period of incarceration undergone by the petitioners and **considering the nature of offence and also taking note of the fact that no one was injured**, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten



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Thousand only) with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate at Ambattur** and on further conditions that:

[b] the petitioners shall report before the respondent police every day at 10.00 a.m until further orders.

[c] the petitioners shall not commit any offences of similar nature.

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

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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 down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

28.12.2023

smn/shl



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To
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1. The Judicial Magistrate, Ambattur
2. The Inspector of Police,
Tank Factory Police Station,
Chennai
3. The Central Prison-II,
Puzhal, Chennai
4. The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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