



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21784 of 2021

WEB COPY

K.Ganesan @ Revan

... Petitioner

Vs

State, rep by the
Inspector of Police
Sankari Police Station,
Salem District.
Crime No.314 of 2018

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.314 of 2018 on the file of the respondent police.

For Petitioner : Mr.K.Munusamy

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 13.09.2021 for the offence under Section 395 IPC altered to Section 342 and 395 IPC in Crime No.314 of 2018 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 12.09.2018 at about 3 a.m., on the Salem to Coimbatore National Highway, near Sankari-Kaliyanur Pirivu Road, the defacto complainant sopped his lorry to attend nature's call. At that time, the petitioner along with 6 other accused took the defacto complainant to a secluded place and at knife point, snatched a sum of Rs.1,400/- from him and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and that the petitioner has been suffering incarceration for more than 65 days from 13.09.2021. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate raised objection stating that the petitioner has got one previous case and he would submit that the amount has been recovered and the investigation is almost completed.

5. Considering the fact that the amount has been recovered and the investigation is almost completed and that there is no previous case against the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sankari, 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, every Tuesday and Saturday at 10.30 a.m. until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond 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]; and;

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

-sd/-

19/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



1 THE JUDICIAL MAGISTRATE,
SANKARI

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM (FOR INFORMATION)

3 INSPECTOR OF POLICE,
SANKARI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHIRAPPALLI

CC to M/S.K.MUNUSAMY Advocate on payment of necessary charges

CRL OP.21784/2021

Date :19/11/2021

RVR 22/11/2021