



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2021

CORAM:

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

CrI.O.P.No.22234 of 2021

P.Tamilarasan

...Petitioner

Vs.

State, represented by
The Sub-Inspector of Police
Kitchipalayam Police Station
Salem
(Crime No.602 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in connection with the Crime No.602 of 2021, on the file of the Sub-Inspector of Police, Kitchipalayam Police Station, Salem.

For Petitioner : Mr.N.Vijaya Basker

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 21.10.2021 for the offences under Sections 341, 392, 397 and 506 (ii) of IPC, in Crime No.602 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 20.10.2021 at about 11.15 a.m., when the defacto complainant was walking near Kaligounderkadu Housing Board, the petitioner waylaid the defacto complainant and at knife point snatched a sum of Rs.470/- from him and also threatened him with dire consequences. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case for statistical purpose and that he has been suffering incarceration for more than 35 days from 21.10.2021. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner is a history sheeter and having two previous cases against him out of which, one case is for murder.

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5. It is seen that the petitioner has got two previous cases and they are related to the year 2017. In this case, the petitioner is the sole accused and the investigation is almost completed 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-II, Salem District, 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 stay at Erode and report before the Town Police Station daily 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/-

25/11/2021

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.



TO

1 THE JUDICIAL MAGISTRATE,
NO.II, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE SUB INSPECTOR OF POLICE,
KITCHIPALAYAM POLICE STATION,
SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.LAW VISION Advocate on payment of necessary charges
SR.NO.13462

CRL OP.22234/2021

Date :25/11/2021

RW 25/11/2021