



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2021

WEB COPY

CORAM:

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

Cr1.O.P.No.22110 of 2021

P.Viknesh @ Vikki

...Petitioner

Vs.

The State rep by
The Inspector of Police,
Tiruchengodu Rural Police Station,
Namakkal District.
Crime No.456 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 Crime No.456 of 2021 on the file of the respondent Police.

For petitioner : Mr.Kannan K.

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 15.09.2021 for the offence under Sections 392 IPC @ 341, 395 of IPC, in Crime No.456 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that petitioner along with other accused waylaid the defacto complainant and robbed a sum of Rs.4,82,000/-, which is the collection amount of petrol bunks. Hence the complaint

3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for more than 70 days from 15.09.2021. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate raised objection stating that there are five previous cases against the petitioner but admits that A2, A4, A7 and A10 have been released on bail and that the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that co-accused have been released on bail 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, Tiruchengodu 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 daily at 10.30 a.m. for a period of two months and thereafter, as and when required for interrogation.

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

(d) the petitioner shall not abscond during 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.

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-sd/-
23/11/2021

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,
TIRUCHENGODU.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
TIRUCHENGODU RURAL POLICE STATION,
NAMAKKAL DISTRICT.

+1CC to M/S.KANNAN K. Advocate on payment of necessary charges SR.NO.13299

CRL OP.22110/2021

Date :23/11/2021

MK:23/11/2021