



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2021

CORAM:

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

Cr1.O.P.No.22096 of 2021

G.Sibi

... Petitioner

Vs.

The State Rep. by
The Inspector of Police
Kitchipalayam Police Station
Salem District
(Crime No.597 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.597 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.R.Nalliyappan

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 19.10.2021 for the offences under Sections 341, 392, 397 & 506(ii) IPC, in Crime No.597 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 19.10.2021 at about 11.00 a.m., the defacto complainant was walking near Fathima Nagar EB offic, the petitioner waylaid the defacto complainant and snatched a sum of Rs.650/- at knife point from him and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. He further submitted that the petitioner has been in jail from 19.10.2021. Hence, he prays for



grant bail to the petitioner.

4. The learned Government Advocate appearing for the respondent submitted that the petitioner is involved in the case registered under POCSO and Child Marriage Act and the investigation is almost completed, but, he vehemently opposed for grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner and the investigation is almost completed, 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, for a like sum to the satisfaction of the learned Judicial Magistrate-II, Salem, and on further condition 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, on every Wednesday 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/-

22/11/2021

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,
NO.II, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KITCHIPALAYAM POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

+1 CC to M/S. R.NALLIYAPPAN Advocate on payment of necessary
charges SR.No.13150

CRL OP.22096/2021

Date :22/11/2021

APN 22/11/2021