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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM:

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

CrI.O.P.No.24479 of 2021

Duraisamy @ Monnaiyan

...Petitioner

Vs.

State represented by
The Sub-Inspector of Police
Kitchipalayam Police Station
Salem.
(Crime No.605 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.605 of 2021 on the file of the Sub-Inspector of Police, Kitchipalayam Police Station, Salem District.

For Petitioner : M/s. Law vision

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

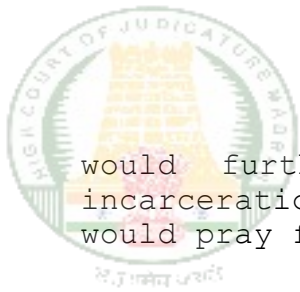
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 25.10.2021 for the offences under **Sections 341, 392, 397 and 506 (ii) of IPC**, in Crime No.605 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.10.2021 at about 11.30 a.m., when the defacto complainant was walking near Karuvattupalam, the petitioner waylaid the defacto complainant and at knife point snatched a sum of Rs.570/- from him and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit 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 50 days from 25.10.2021 and hence, he would pray for grant of bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) would raise strong objection stating that petitioner has got one previous case but admits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and that 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, 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 Karur and report before the Town Police Station on alternate days at 10.30 a.m, for a period of 4 weeks and thereafter, report before the respondent police as and when required for interrogation.

(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.

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-sd/-
15/12/2021

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.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

6 THE OFFICER INCHARGE
TOWN POLICE STATION,
KARUR.

CC to M/S. LAW VISION Advocate on payment of necessary charges

CRL OP.24479/2021

Date :15/12/2021

TA-16/12/2021