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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

CORAM:

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

Cr1.O.P.No.202 of 2022

SHARISHKUMAR @ DHANAPAL

...Petitioner

Vs.

State Rep. by
The Inspector of Police,
Omalar Police Station,
Salem District,
(Crime No.845 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No.845 of 2021, on the file of the respondent police.

For Petitioner : M/s.R.Sankarasubbu

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

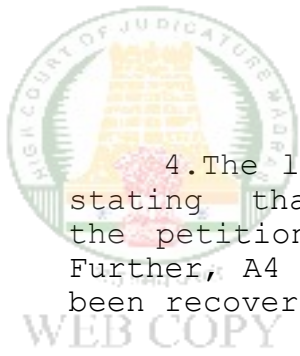
O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 22.11.2021 for the offence under Section 394 I.P.C. altered to 395 I.P.C, in Crime No. 845 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused waylaid the de facto complainant, attacked and robbed a sum of Rs.5,100/- and a cell phone from the de facto complainant at knife point and flew away from the place of occurrence by two wheeler. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is a B.Pharm graduate and working as a medical representative and that he has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for more than 45 days from 22.11.2021. Hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) vehemently opposed stating that there are totally 6 accused involved in this case and the petitioner is arrayed as A2 and he has got 1 previous case. Further, A4 and A6 are still absconding and the stolen amount has not been recovered but admits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and that 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.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) to the credit of Crime No.845 of 2021 and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Omalur, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police on every Monday and Thursday at 5.00 p.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];



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

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-sd/-

07/01/2022

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,
OMALUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 INSPECTOR OF POLICE,
OMALUR POLICE STATION,
SALEM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to M/S R.SANKARASUBBU Advocate on payment of necessary charges Sr.338

CRL OP.202/2022

Date :07/01/2022

RVR 10/01/2022