



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2022

CORAM:

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

Cr1.O.P.No.1753 of 2022

Surya

... Petitioner

Vs.

State Rep by
The Inspector of Police
Nallipalayam Police Station,
Namakkal District.
(Crime No.642 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.642 of 2021 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.11.2021 for the offences under Sections 392, 397 of IPC in Crime No.642 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is a lorry driver, on 11.11.2021 at about 3.00 p.m. When he was proceeding to Pollachi, he parked his vehicle near Mommakutti Medu, and had his lunch. At that time, four unknown persons who came in bike, at knife point, snatched a sum of Rs.14,500/- and also a cell phone from the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that



he has been suffering incarceration for more than 65 days from 12.11.2021. However, on instructions, he submits that the petitioner without prejudice to his rights, on his own volition, is ready to deposit a sum Rs.10,000/- to the credit of Crime No.642 of 2021.

4. The learned Government Advocate raised objection stating that there are totally four accused in this case and they were robbed a sum of Rs.14,500/- out of which, entire amount was recovered and that he further submitted that the petitioner has no previous case.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering period of incarceration undergone by the petitioner and the investigation was almost completed and also the fact that the petitioner without prejudice to his rights, on his own volition, is ready to deposit a sum Rs.10,000/- to the credit of Crime No.642 of 2021, this Court is inclined to grant bail to the petitioner with certain conditions;

(a) 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.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.642 of 2021 before the learned Judicial Magistrate No.I, Namakkal, and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount of Rs.10,000/- on proper identification and acknowledgment;

(c) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate No.I, Namakkal, 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;

(d) 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;

(e) the petitioner shall report before the respondent police on everyday Tuesday at 10.30 a.m. until further orders;

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

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



(h) 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;

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

-sd/-
27/01/2022

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,
NO.I, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
NALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.1242

CRL OP.1753/2022

Date :27/01/2022

JPA 28/01/2022