



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM:

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

Crl.O.P.No.1878 of 2022

WEB COPY

Murugan Mallu Samy

...Petitioner

Vs.

The State rep. by
The Inspector of Police,
B2 Police Station, R.S.Puram,
Coimbatore.
(Crime No.16 of 2022)

... 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.16 of 2022 on the file of the Respondent Police.

For Petitioner : Mr.N.Anbazhagan

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

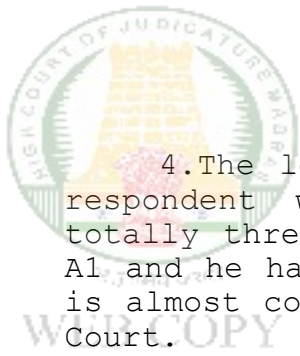
O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 03.01.2022 for the offence under Sections 392 r/w 397 IPC, in Crime No.16 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 20.12.2021 at about 9 p.m., when the defacto complainant was waiting in a bus stop, two persons voluntarily offered lift to the defacto complainant and when they crossed Boorke Field Road, they stopped the bike and at knife point robbed cash of Rs.500/- and a cell phone from him. 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 co-accused has been granted bail by this Court in Crl.O.P.No.1559 of 2021 by order dated 25.01.2022 and that the petitioner has been suffering incarceration for more than 25 days from 03.01.2022. Hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the respondent would raise strong objection stating that there are totally three accused in this case and the petitioner is arrayed as A1 and he has got 2 previous cases but admits that the investigation is almost completed and the co-accused has been granted bail by this Court.

5. At this juncture, the learned Counsel for the petitioner would submit that the petitioner is a Lecturer in the Catering Department in Hindustan College of Arts and Science, Coimbatore and that in the alleged previous cases, the accused names are mentioned as unknown and that the petitioner is no way connected in those offences.

6. Considering the facts and circumstances of the case and the fact that the co-accused has been granted bail by this Court 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 petitioners 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 shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate No.I, Coimbatore, 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 Wednesday at 10.30 a.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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

28/01/2022

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, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
B2 POLICE STATION, R.S.PURAM,
COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

CC to M/S.A.E.RAVICHANDRAN Advocate on payment of necessary
charges Sr.1347

CRL OP.1878/2022

Date :28/01/2022

RVR 28/01/2022