



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2022

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CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.2777 of 2022

1. Ranjithkumar ...Petitioners
2. Sathish

Vs.

The State Rep by ... Respondent
The Inspector of Police,
Thammampatty Police Station,
Salem District.
(Crime No.8 of 2022)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on the bail in Crime No. 08 of 2022 on the file of the Respondent police.

For Petitioners: Mr.A.Ramesh

For Respondent : Ms.G.V.Kasthuri [IN CRL.O.P.No.2777/2022]
Additional Public Prosecutor

For Respondent: MR. S.SANTHOSH, Govt. Advocate (Cr1. Side)
[IN CRL.MP.NO.1472/2022
IN CRL OP.2777/2022]

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 09.01.2022 for the offences under Sections **(*)341, 419 and 384 of IPC** in Crime No.8 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 09.01.2022 at about 10 a.m., when the defacto complainant was returning to Thammampatty from Attur in his two wheeler, the petitioners waylaid him by posing themselves as Thammampatty Special party Police and asked him to pay fine of Rs.500/- and when the defacto complainant questioned the same, they threatened him to seize the vehicle. Hence, the defacto



complainant paid a sum of Rs.200/- stating that he was having only Rs.200/- in his hand and after receiving the same, the petitioners ran away from the scene of occurrence. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and that they have been falsely implicated in this case. He would further submit that since the petitioners are in judicial custody from 09.01.2022, the further incarceration of the petitioners may not be necessary and prayed for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police fairly conceded that the portion of the cheated amount was recovered and the investigation is still pending.

5. The submission made by the learned Counsel on either side is considered.

6. It is seen that the petitioners are first offenders and they are in judicial custody from 09.01.2022 and as of now, the portion of cheated amount has been recovered. Therefore, for completing the investigation, further custodial interrogation of the petitioner may not be necessary. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bonds for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned Judicial Magistrate-II, Attur, 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;



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(d) the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of 30 days and thereafter, as and when required for interrogation.

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

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

(g) the petitioners 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 petitioners 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/-
07/02/2022

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.

[*]Amended as per order of this court dated 09.02.2022 made in CrI.MP.NO.1472/2022 in CrI.O.P.No.2777/2022

TO

1 THE JUDICIAL MAGISTRATE NO.II,
ATTUR, SALEM DISTRICT.



2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THAMMAMPATTY POLICE STATION,
SALEM DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, ATTUR.

+1 CC to M/S.A.RAMESH Advocate on payment of necessary charges
SR.NO.2126

CRL OP.2777/2022

Date :07/02/2022

TA-08/02/2022

INBA~10/02/2022