



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.2778 of 2022

Simson

...Petitioner

Vs.

The State rep by
The Inspector of Police,
Thirumanur Police Station,
Ariyalur District.
(Crime No.374 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner/accused on bail pending investigation in Crime No.374 of 2021 on the file of the respondent police.

For Petitioner : Mr.C.Prabakaran

For Respondent : Ms.G.V.Kasthuri
(Additional Public Prosecutor)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 05.12.2021 for the offences under Sections 392, 397, 506(2) of IPC in Crime No.374 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.12.2021, the petitioner waylaid the defacto complainant and robbed a sum of Rs.5,000/- at knife point. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that after the arrest of the petitioner, a portion of the robbed amount was recovered by the police and



the petitioner is in judicial custody for 60 days from 05.12.2021. Therefore, the custodial interrogation of the petitioner may not be required. Hence, he would pray for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner is having one previous case which has been registered for the offence under Section 307 and 294(b) IPC. However, she fairly conceded that after made arrest of the petitioner, a portion of the amount stolen by the petitioner at the time of alleged occurrence has been recovered.

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

6. It is seen that the petitioner is in judicial custody from 05.12.2021. Though, the petitioner is having one previous case, it has not been registered for similar offence now alleged to have been committed by him. Hence, considering the period of incarceration and also for the reason that the portion of stolen amount has been recovered, 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 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-II, Ariyalur, 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 daily at 10.30 a.m. for a period of 30 days and thereafter, as and when required for interrogation.

(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.

8. 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.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, ARIYALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHCHIRAPALI.

4 THE INSPECTOR OF POLICE,
THIRUMANUR POLICE STATION,
ARIYALUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S C.PRABAKARAN Advocate on payment of necessary
charges SR.NO.2077

CRL OP.2778/2022

Date :07/02/2022

RW 08/02/2022