



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P. No.3742 of 2022

1.Murugan Mallu Samy

2.Syed Afridi

3.P.Thirumurugan

... Petitioners / A-1 to A-3

versus

The State rep. by
The Inspector of Police,
B2 Police Station, R.S.Puram,
Coimbatore.

(Crime No.706 of 2021)

... Respondent / Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioners on bail in Crime No.706 of 2021 on the file of the respondent police.

For Petitioners : Mr.A.E.Ravi Cchandran

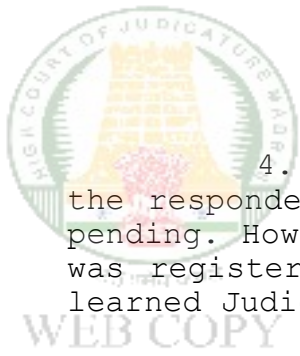
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioners, who were arrested and remanded to judicial custody on 03.01.2022 for an offence punishable under Section 392 of IPC in Crime No.706 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that these petitioners threatened the de facto complainant and snatched gold chain of 5 sovereigns, Cellphone and cash of Rs.3,500/- from him. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that though the petitioners are having 2 previous cases each, they were enlarged on bail. It is his specific submission that the petitioners are in judicial custody from 03.01.2022 onwards and as of now, the stolen property was recovered. Hence, he prays for bail.



4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she fairly admits that, in one previous case, which was registered against these petitioners, this Court as well as the learned Judicial Magistrate granted bail.

5. The submissions made by the learned counsel appearing on either side are considered.

6. It seems that the respondent police registered a case as against the petitioners for the offence punishable under Section 392 of IPC and as of now, the stolen property was recovered and in one previous case, the petitioners were enlarged on bail. Hence, the custodial interrogation of the petitioners may not be necessary for completing the investigation in this case and the petitioners are in judicial custody from 03.01.2022 onwards. Therefore, considering the nature of the offence, this Court is inclined to grant bail to the petitioner subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions;

(a) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Coimbatore;

(b) 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;

(c) the petitioners are directed to appear before the respondent police daily at 10.00 a.m. until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) 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 petitioners 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];



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

-sd/-

16/02/2022

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.I, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S. A.E.RAVICHANDRAN Advocate on payment of necessary charges Sr.2367

CRL OP.3742/2022

Date :16/02/2022

RVR 16/02/2022