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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P. No.3715 of 2022

Rajkumar

... Petitioner / A-2

versus

The State, represented by
Inspector of Police,
Karamadai Police Station,
Coimbatore District.
(Crime No.60 of 2021)

... Respondent / Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail pending investigation in Crime No.60 of 2021 on the file of the respondent police.

For Petitioner : Mr.I.Periaswamy

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.01.2022 for the offences punishable under Sections 392 and 397 of IPC in Crime No.60 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused threatened the de facto complainant and snatched a sum of Rs.5,000/- from him. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that though the petitioner is having 3 previous cases, he was enlarged on anticipatory bail. Further, all the cases are registered without mentioning his name. It is his specific submission that the petitioner is in the judicial custody from 26.01.2022 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 previous cases, which are registered against this petitioner, this Court as well as the Principal District Court granted anticipatory 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 petitioner for the offences punishable under Sections 392 and 397 of IPC and as of now, the stolen property was recovered and in the previous cases, the petitioner was enlarged on anticipatory bail. Hence, the custodial interrogation of the petitioner may not be necessary for completing the investigation in this case and the petitioner is in judicial custody from 26.01.2022 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 petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Mettupalayam, 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 petitioner is directed to appear before the respondent police daily at 10.00 a.m. until further orders;

(d) the petitioner 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 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];



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

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-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,
METTUPALAYAM, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
KARAMADAI POLICE STATION,
COIMBATORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to PERIASWAMY I. Advocate on payment of necessary charges

CRL OP.3715/2022

Date :16/02/2022

CSK 17/02/2022