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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P. No.4396 of 2022

1.Palani
2.Vanitha

... Petitioners /
Accused

versus

State: Rep. by
The Inspector of Police,
Pallapatty Police Station.
(Crime No.45 of 2022)

... Respondent /
Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioners on bail pending investigation in Crime No.45 of 2022 on the file of the respondent police.

For Petitioners : Mr.N.A.Nissar Ahmed

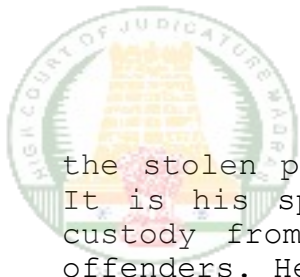
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioners, who were arrested and remanded to judicial custody on 14.01.2022 for the offences punishable under Sections 392, 397 and 506(ii) of IPC in Crime No.45 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners waylaid the de facto complainant and snatched Rs.1,600/- from him at knife point and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that after securing the accused, the respondent police recovered a portion of



the stolen property and as of now, investigation has been completed. It is his specific submission that the petitioners are in judicial custody from 14.01.2022 onwards and also, they are the first time offenders. Hence, he prays for bail.

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4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she admits that, a portion of the stolen property was recovered from the petitioners.

5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case as against the petitioners for the offences punishable under Sections 392, 397 and 506(ii) of IPC. The averments found in the First Information Report and the submission made by the learned Additional Public Prosecutor appearing for the respondent police would disclose the fact that during the relevant point of time, the petitioners after showing the knife, stolen away Rs.1,600/- from the de facto complainant. As of now, after securing the accused, Rs.900/- was recovered and the petitioners are the first time offenders. Therefore, further custody of the petitioners may not be necessary for completing the investigation.

6. Therefore, taking note of all the above said aspects into consideration and having regard to the nature of offence committed by the petitioners and also by considering the period of incarceration, this Court is inclined to grant bail to the petitioners 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.II, Salem;

(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/-

23/02/2022

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, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

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

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.N.A.NISSAR AHMED Advocate on payment of necessary charges SR.NO. 2882 (07/03/2022)

CRL OP.4396/2022

Date :23/02/2022

RW 24/02/2022