



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11583 of 2022

POOMOZHI

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
SHEVAPET POLICE STATION,
SALEM DISTRICT.
CRIME NO.76 OF 2022.

[RESPONDENT]

For Petitioner : MR.GURUPRASAD, Advocate for
M/S.R.JAYAPRAKASH, Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 22.03.2022 for the offence under Section 392 & 506 (ii) of IPC in Crime No.76 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with two accused persons threatened the defacto complainant who was running a plastic retail shop and demanded money from him on the ground that they will give a false complaint against the defacto complainant for possessing banned plastic bags. Further allegation made against the accused persons is that they had taken away a sum of Rs.35,000/- from the defacto complainant.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) for the respondent.



4. The earlier bail petitions filed by the petitioner has been dismissed by this Court on the ground that there are several previous cases against the petitioner and that apart, he is also having political backing to commit repeated offence.

5. In the considered view of this Court, the petitioner has already suffered incarceration for nearly 57 days . Considerig the allegations made in the complaint, this court does not find any reason to continue with the incarceration of the petitioner and hence, the petitioner shall be enlarged on bail by imposing stringent conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-III, Salem and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 am and 5.30 pm until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

18/05/2022

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.III, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
SHEVAPET POLICE STATION,
SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. R.JAYAPRAKASH Advocate on payment of necessary
charges SR.NO.7294

CRL OP.11583/2022

Date :18/05/2022

JPA 19/05/2022