



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.13576 of 2022

Moorthi

.. Petitioner/A1

Vs.

State rep. by
The Inspector of Police,
Thammampatty Police Station,
Salem District
crime No.93 of 2022

.. Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.93 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.05.2022 for the offence punishable under Sections 392 r/w 397 of IPC in crime No.93 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that on 05.05.2022, when the defacto complainant proceeding to Kondayampalli for attending her relative's death ceremony in her two wheeler along with her mother, while on the way near Siluvagiri Malai Road, at about 11.00 p.m., three persons intercepted her and snatched her mobile phone at knife point and escaped from that place. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the accused persons had snatched the defacto complainant's mobile phone worth Rs.10,000/-. He would further submit that the petitioner has four previous cases. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.II, Attur 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 stay at Chennai and report before the Inspector of Police, Egmore Police Station, Chennai daily at 10.30 a.m. and 05.30 p.m. for a period of three weeks and thereafter report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of three weeks and thereafter report before the respondent police as and when required for interrogation.

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

[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 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.



6. Since, the learned counsel for the petitioner submitted that the petitioner was granted bail also in Crl.OP.Nos.12397 & 12394 of 2022 dated 01.06.2022 in crime No.135 & 134 of 2022 by imposing the condition to report before the respondent police until further orders, it is made clear that after complying the reporting condition imposed in this petition, the petitioner shall continue the reporting condition imposed by this Court in Crl.OP.Nos.12397 & 12394 of 2022 dated 01.06.2022.

-sd/-
13/06/2022

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, ATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

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

4 THE OFFICER INCHARGE
SUB JAIL, ATTUR

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
EGMORE POLICE STATION, CHENNAI

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary charges SR.NO.8931

CRL OP.13576/2022

Date :13/06/2022

JPA 14/06/2022