



CrI.OP.No.16283 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2022

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

CrI.OP.No.16283 of 2022

Lokeswaran

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Puduchatram Police Station,
Namakkal District.
Crime No.124 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with Crime No.124
of 2022 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.05.2022 for the offences punishable under Sections **120(b), 201, 392 read with Section 397 of IPC** in Crime No.124 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, on 20.05.2022, when the defacto complainant was returning from Virudhunagar in his bike, near Thirumalaipatti to Belukurichi road, the petitioner along with other accused persons came in a two wheeler and threw chilli powder. Subsequently, they looted money from him and also threatened with dire consequences. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that co-accused had already been granted bail by this Court. That apart, the petitioner has been suffering incarceration from 29.05.2022. Therefore, he prays to grant anticipatory bail to the petitioner



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4. The learned Additional Public Prosecutor appearing for the respondent would submit that on the occurrence day, the accused persons waylaid the defacto complainant and sprayed chilli powder over him. Thereafter, they looted Rs.18,93,600/-, out of which, Rs.13,94,000/- has been recovered so far and further the defacto complainant also arrayed as an accused. However, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration undergone by the petitioner from the date of arrest ie., from 29.05.2022, this Court is inclined to grant bail to the petitioner.

6. 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 learned **Judicial Magistrate -II, Namakkal** and on further conditions that:



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[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 Kalpakkam and report before the Kalpakkam Town Police Station daily at 10.30 a.m., for a period of four weeks and thereafter report before the respondent police daily at 10.30.a.m., until further orders.

[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.

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To

1. Judicial Magistrate -II
Namakkal
2. The Inspector of Police,
Puduchatram Police Station,
Namakkal District.
3. Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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