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Crl.O.P.Nos.17649 and 17672 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2022

CORAM

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

Crl.O.P.Nos.17649 and 17672 of 2022

Gandhi Petitioner/A6 in Crl.O.P.No.17649 of 2022

Venkatesan Petitioner/A3 in Crl.O.P.No.17672 of 2022

Vs.

State rep. by
The Inspector of Police,
Karumandurai Police Station,
Salem District.
Crime No.63 of 2022

..Respondent in both petitions

PRAYER:

Criminal Original Petitions are filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in connection with the case in Crime No. 63 of 2022.

For Petitioners : Mr.S.Premakumari

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



Crl.O.P.Nos.17649 and 17672 of 2022

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COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 06.07.2022 for the offences punishable under Sections 120(b), 364A, 323, 324, 348, 294(b), 506(ii) of I.P.C in Crime No. 63 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, on 29.01.2021, at about 04.00.p.m., the petitioners along with other accused took the defacto complainant to the nearby forest and attacked him with hands and sticks and thereby demanded Rs.10,00,000/- from him. Hence, the case.

3.The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have been falsely implicated in this case. He further submits that the petitioners are in Judicial Custody from 06.07.2022. onwards. Hence, he has prayed for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the



Crl.O.P.Nos.17649 and 17672 of 2022

respondent submitted that co-accused had been granted anticipatory bail by this Court. However, he opposed for grant of bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioners from the date of arrest ie., from 06.07.2022, this Court is inclined to grant bail to the petitioners

6. Accordingly, the petitioners 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, No.II, Attur, Salem District** 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 petitioners shall report before the respondent police twice daily at 10.30.a.m., and 04.30.p.m., for a period of four weeks



Crl.O.P.Nos.17649 and 17672 of 2022

and thereafter as and when required for interrogation;

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

[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 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.

28.07.2022

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Crl.O.P.Nos.17649 and 17672 of 2022

WEB COPY

To

1. Judicial Magistrate -II,
Attur, Salem District.
2. The Inspector of Police,
Karumandurai Police Station,
Salem District.
3. Central Jail,
Salem, Salem District.
4. The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.O.P.Nos.17649 and 17672 of 2022

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.Nos.17649 and 17672 of 2022

28.07.2022