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CrI.OP.No.17963 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2022

CORAM

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

CrI.OP.No.17963 of 2022

M.Manikka Vijay

...Petitioner

Vs.

The State:

Rep By the Inspector of Police,

Thadagam Police Station,

Coimbatore District.

Crime No.33/2022.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner/accused on bail in connection with the case in C.C.No,1083 of 2022 pending on the file of Judicial Magistrate – 1, Coimbatore and in Crime No.33/2022 on the file of the Thadagam Police Station.

For Petitioner : Mr.M.Kamaraj

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.04.2022 for the offences punishable under Section 392 of



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IPC in crime No.33 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner along with two other waylaid the *de-facto* complainant and robbed cell phone from him. They had also taken away the two wheeler of the *de-facto* complainant. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. He would also submit that the petitioner was arrested and remanded to judicial custody on 22.04.2022. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that in this case, investigation completed, final report filed and the same has been taken on the file in C.C.No.1083 of 2022 by the learned Judicial Magistrate – 1, Coimbatore. He further submitted that there are five previous cases pending against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e. 22.04.2022, 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 **learned Judicial Magistrate-1 at Coimbatore** 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 trial Court twice daily at 10.30 a.m. and 5.30 p.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



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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.

02.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate-1 at Coimbatore.
- 2.The Inspector of Police,
Thadagam Police Station,
Coimbatore District.
- 3.The Sperintend, Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras

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