



WEB COPY



Crl.OP.No.18591 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2022

CORAM

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

Crl.OP.No.18591 of 2022

Hariprasath

...Petitioner

Vs.

State rep by Inspector of Police,
Annadanapatti PS, Cr.No.309/2022
Salem.

..Respondent

PRAYER:

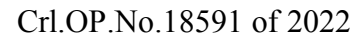
Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in the Crime No.309 of 2022 on the file of the Inspector of Police, Annadanapatti Police Station, Salem District.

For petitioner : Mr.B.Vasudevan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.06.2022 for the offences punishable under Sections 341, 392, 397, 506(ii) & 420 of IPC and Section 7(1) and 7(3) of Lotteries Regulation Act 1998 in crime No.309 of 2022 on the file of the



2. The case of the prosecution is that on 29.06.2022, at 7.00 *facto* complainant bought small white pit paper 5 Nos lottery from the petitioner. As he got prize in the lottery draw, he had prize from the petitioner on 30.06.2022. It is alleged that the petitioner threatened the *de-facto* complainant at knife point and forcible took Rs. 300/- from his shirt pocket. Hence, the complaint.

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 30.06.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that petitioner threatened the *de-facto* complainant at knife point and forcible took Rs.1,300/- from his shirt pocket. Hence, he vehemently opposed to grant bail to the petitioner.



Crl.OP.No.18591 of 2022

WEB COPY

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.30.06.2022, 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 sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.4, 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 petitioners shall report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m., for a period of four weeks 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]**.



Crl.OP.No.18591 of 2022

WEB COPY

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

05.08.2022

mpl



WEB COPY



Crl.OP.No.18591 of 2022

G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate No.4, Salem.
- 2.The Inspector of Police,
Annadanapatti PS,
Salem.
- 3.Central Jail,
Salem.
- 4.The Public Prosecutor,
High Court of Madras

Crl.O.P.No.18591 of 2022

05.08.2022