



Crl.OP.No.19545 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2022

CORAM

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

Crl.OP.No.19545 of 2022

Selvakumar

...Petitioner

Vs.

State Represented by Its
Sub Inspector of Police,
Karuppur Police Station,
Salem District.
(Crime No.229 of 2022)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner's on bail in Crime No.229 of 2022 on the file of Sub Inspector of Police, Karuppur Police Station Salem District.

For Petitioner :Mr.S.Arivazhagan

For Respondent :Mr.A.Gopinath,
Government Advocate (Crl.Side)

ORDER

The petitioner was arrested and remanded to judicial custody on 02.07.2022 for the offences punishable under Sections **342, 364, 365, 420, 307, 392 and 397 of IPC** in Crime No.229 of 2022 on the file of



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the respondent police, seek bail.

2.The case of the prosecution is that, the *de-facto* complainant and his brother are doing real estate business. On the date of occurrence, the accused persons took the *de-facto* complainant stating that there is a land for sale at cheap price in Hosur. It is alleged that, on the way, the accused persons assaulted the *de-facto* complainant and snatched a sum of Rs.8,000/-, a gold chain weighing about 3 1/2 sovereign and 1/2 sovereign of gold ring. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that petitioner along with other accused persons assaulted the *de-facto* complainant and snatched a sum of Rs.8,000/-, a gold chain weighing about 3 1/2 sovereigns and 1/2 sovereign of gold



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ring from him. He further submitted that there are two previous cases pending as against the petitioner. Hence, he vehemently opposed for granting bail to the petitioner.

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., 02.07.2022, 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.2 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 petitioner shall report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m. for a period of six weeks and thereafter 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



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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.

23.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate No.2 Salem District.
- 2.The Sub Inspector of Police,
Karuppur Police Station,
Salem District.
- 3.Central Prison - Salem.
- 4.The Public Prosecutor,
High Court of Madras

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