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Crl.OP.No.20333 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2022

CORAM

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

Crl.OP.No.20333 of 2022

1.Muralidharan
2.Sundaramoorthy
3.Suresh

...Petitioners

Vs.

State represented by
Sub-Inspector of Police,
Sooramangalam Police Station,
Salem District.
(Crime No.469 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in Crime No.469 of 2022 on the
file of Respondent Police.

For Petitioners :Mr.S.Parthasarathy

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 26.07.2022 for the offences punishable under Sections **147, 148, 294(b), 324, 506(ii) IPC and Section 3 of TNPPDL Act, 1992** in crime No.469 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that, the petitioners along with other accused waylaid and assaulted the defacto complainant and also taken away laptop, android cell and also a sum of Rs.99,000/-. Hence, the case.

3. The learned counsel for the petitioners submitted the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that, apart from this case, there is no previous case pending against the petitioners. However, he opposed for grant of bail to the petitioners.



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5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners from the date of their arrest i.e., 26.07.2022, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their 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-II, 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.



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. Judicial Magistrate-II,
Salem.
2. Sub-Inspector of Police,
Sooramangalam Police Station,
Salem 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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