



Crl.OP.No.21316 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21316 of 2022

Santhosh Kumar

... Petitioner

Vs.

State by :

The Inspector of Police,
Sooramangalam Police Station,
Salem.

(Crime No.469/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail concerned in Crime No.469 of 2022
on the file of the respondent Police.

For Petitioner : Mr.R.Rajan

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.07.2022 for the offences punishable under Sections 147, 148, 294(b), 324, 506(2), 392, 395 of IPC and Section 3 of TNPPDL Act, 1992 in Crime No.469 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused waylaid the lorry and assaulted the de-facto complainant and his employees and taken away the laptop, android phone and also a sum of Rs.99,000/-. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that this Court has already granted bail to the similarly placed accused namely A1, A5 and A6 in Crl.O.P.No.20333 of 2022 vide order dated 30.08.2022. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that there is no previous case against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, 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.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, 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;



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[b] the petitioner shall report before the respondent police every day morning at 10.30 a.m. and evening at 5.30 p.m., for a period of four 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 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 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.

06.09.2022

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To
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1. The Judicial Magistrate -II,
Salem District.
2. The Inspector of Police,
Sooramangalam Police Station,
Salem.
3. The Superintendent,
Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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