



Crl.OP.No.21228 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2022

CORAM

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

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1.Yuvaraj @ Suresh
2.Thiyagaraj @ Kumar

...Petitioners

Vs.

State Rep by
Inspector of Police,
Tharamangalam Police Station,
Salem District.
(Cr. No.359/2022).

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail relating to Crime No.359 of
2022 on the file of the respondent police.

For petitioners : Mr.N.U.Pressanna

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.side)

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 16.08.2022 for the offences punishable under Section **395 of**
IPC in Crime No.359 of 2022 on the file of the respondent police, seek



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bail.

2. The case of the prosecution as per the *de-facto* complainant is that on 13.07.2022, the accused persons waylaid him and robbed a cellphone and golden necklace from him worth about Rs.40,000/-. Based on the complaint, the case was registered.

3. The learned counsel appearing for the petitioners would submit that even as per the complaint, the petitioner and the *de-facto* complainant are known to each other and there was a dispute between them with regard to a love affair and with that the petitioners have been falsely implicated in this case. He would further submit that there is a delay of one day in registering the complaint. Further, even as per the prosecution, the petitioners were arrested and the alleged contraband was also recovered from them. Further, in this case the petitioners have been falsely implicated and there is no other case as against them.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that there is a previous enmity between the



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petitioners and the *de-facto* complainant and that they waylaid the *de-facto* complainant and his friend and they have robbed a cellphone. However, he would submit that there is no other case as against them.

5. Heard both the learned counsels and perused the First Information Report. Even as per the First Information Report, the petitioners and the *de-facto* complainant are known to each other. There seems to be a dispute between them.

6. Taking into considerations of the facts and circumstances of the case and moreover, the contraband has also been recovered and the major part of the investigation is over, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Oomalur**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb



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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 stay at Erode and report before the Inspector of Police, Erode Town Police Station every day morning at 10.30 a.m. and evening at 5.30 p.m., until further orders.

[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]**.

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

05.09.2022

mpl



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A.D.JAGADISH CHANDIRA, J.

mpl

To

- 1.The Judicial Magistrate, Oomalur.
- 2The Inspector of Police,
Tharamangalam Police Station,
Salem District.
- 3.Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras

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