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Crl.O.P.No.21319 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2022

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

Crl.OP.No.21319 of 2022

Mohana Suriya

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Palladam Police Station,
Tiruppur District.
Crime No.380 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.380 of 2022 on the file
of the respondent police.

For Petitioner : Mr.B.Manoharan

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 16.07.2022 for the offences punishable under Section 392 of IPC, in Crime No.380 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 16.04.2022, the petitioner trespassed into the shop of the defacto complainant and by threatening, had snatched the gold chain belonging to the defacto complainant and has escaped the scene of occurrence in a motor cycle. 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 the petitioner, who is aged about 20 years, is a native of Sivaganga District and he has come to Tiruppur for a job and he has been intentionally fixed in this case and arrested and after two days, another case has been registered by Kamanaickenpalayam Police Station, Tiruppur District against the petitioner. He would further submit that the petitioner is prepared to furnish blood sureties and ready to comply with any conditions



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that may be imposed on him. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner trespassed into the shop of the defacto complainant and by threatening, had snatched the gold chain belonging to the defacto complainant and had escaped from the scene of occurrence in a motor cycle. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and the period of incarceration suffered by the petitioner and other than these two cases, no other case is pending against the petitioner, this Court is inclined to grant bail to the petitioner.



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7. 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**, (out of which, one should be either the father or the mother of the petitioner), each for a like sum to the satisfaction of the **learned Judicial Magistrate, Palladam** 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 appear before the Judicial Magistrate, Palladam on all working days at 10.30 a.m., until further orders;

[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



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

13.09.2022

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To

1. The Judicial Magistrate,
Palladam.
2. The Inspector of Police,
Palladam Police Station,
Tiruppur District.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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