



Crl.OP.No.21861 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2022

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

Crl.OP.No.21861 of 2022

G.Gowtham

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sooramangalam Police Station,
Salem District.

(Crime No.469/2022).

... Respondent

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

For Petitioner : Mr.B.Sundarapandiyan

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 and Section 3 of TN Public Property (Prevention of Damage & Loss) 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 other accused waylaid the JCB driven by the de-facto complainant and abused him in a filthy language and by assaulting the de-facto complainant, taken away the laptop, android mobile and a sum of Rs.99,000/- from him. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that the co-accused, who were similarly have been granted with bail by this Court in Crl.O.P.No.20333 of 2022 vide order dated 30.08.2022 and 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 the petitioner along with other accused waylaid the de-facto complainant, had abused the de-facto complainant and by assaulting him, taken away the laptop, android mobile and a sum of Rs.99,000/- from him. He would also submit that there is no previous case as against the petitioner. However, he opposed to grant bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and taking note of the fact that the similarly placed co-accused have been granted with bail, this Court is inclined to grant bail to the petitioner.



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7. Accordingly, the petitioner are 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**, 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 everyday at 10.30 a.m., and 5.30 p.m., for a period of four weeks and thereafter, as and when required;

[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 petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



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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.

12.09.2022

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To

1. The Judicial Magistrate No.II,
Salem.
2. The Inspector of Police,
Sooramangalam Police Station,
Salem District. .
3. The Central Jail
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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