



Crl.O.P.No.22182 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2022

CORAM

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

Crl.OP.No.22182 of 2022

Elakkiyaselvam

... Petitioner

Vs.

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

(Crime No.304 of 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.304 of 2022 on the file of the respondent Police.

For Petitioner : Mr.K.Sudhakar

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 28.08.2022 for the offences punishable under Sections 392 & 394 of IPC, in Crime No.304 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 in the guise of taking the de-facto complainant for a real estate transaction, asked him to bring Rs.2,50,000/- and thereafter, took him to a secluded place and intimidated him at knife point, had robbed the said amount from the de-facto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the de-facto complainant are known to each other and they were doing real estate business. He would further submit that due to the dispute between them, the de-facto complainant has lodged a false complaint as against the petitioner. He would also submit that reading of the First Information Report will show that it is the foisted case. 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 the other accused in the guise of a real estate transaction, had taken the de-facto complainant to a secluded place and robbed a sum of Rs.2,50,000/- from him. He would also submit that there is no previous case as against the petitioner. However, he opposed for grant of 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 also taking note of the fact that there is no previous case against the petitioner, this Court is inclined to grant bail to the petitioner.

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**, for a like sum to the satisfaction of the



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learned Judicial Magistrate No.I, Sankari, 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., 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 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]**;



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

14.09.2022

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To

1. The Judicial Magistrate No.I,
Sankari.
2. The Inspector of Police,
Sankari 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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