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Crl.O.P.No.22791 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

CORAM

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

Crl.O.P.No.22791 of 2022

Arjun

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
B-1, Bazaar Police Station,
Coimbatore District.

(Crime No.118 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.118 of 2022 on the file of the respondent Police.

For Petitioner : Mr.M.N.Balakrishnan

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 01.06.2022 for the alleged offences punishable under Sections 392 & 397 of IPC, in Crime No.118 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 08.04.2022, while the de-facto complainant was returning home, the accused who came in a two wheeler by threatening the de-facto complainant with knife, robbed his mobile phone. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person. He would further submit that a false complaint has been foisted by the respondent Police. He would further submit that the co-accused in this case has been released on bail by the learned Sessions Court in C.M.P.Nos.2881 & 2780 of 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 the petitioner along with the other accused by threatening the de-facto complainant with knife and snatched his mobile phone. He would further submit that there are 10 previous cases against the petitioner. He would also submit that the investigation has been completed and the final report is pending committal on the file of the learned Judicial Magistrate -5, Coimbatore. Hence, he vehemently opposed to grant bail to the petitioner.

5. The previous cases against the petitioner are tabulated hereunder:-

<i>S.No</i>	<i>PS</i>	<i>Crime No.</i>	<i>Sections</i>
1.	B1 Bazaar	630/2015	5, 7(1) of Lottery Act
2.	B1 Bazaar	367/2016	294(b), 323, 324, 506(ii) IPC
3.	B1 Bazaar	367/2017	109 Cr.P.C
4.	B1 Bazaar	566/2017	379 IPC
5.	B1 Bazaar	820/2020	307 IPC @ 294(b), 307, 324, 34, 342 IPC
6.	B4 Ukkadam	492/2019	323 IPC & 75(1)(C) TNCP Act
7.	B4 Ukkadam	541/2020	75(1)(C) TNCP Act
8.	B4 Ukkadam	900/2020	324 & 506(ii) IPC
9.	B4 Ukkadam	207/2021	294(b), 324 & 506(ii) IPC @ 294(b), 326, 75(1)(C) TNCP Act
10.	D2	493/2015	72 TNCP Act



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6. In reply, the learned counsel for the petitioner would submit that as far as previous cases are concerned, they are either for 75(1)(C) TNCP Act or 506(ii) IPC and there is no cases for the offence under Sections 394 & 397 IPC. He would further submit that only to keep the petitioner in prison, the respondent has foisted a false case as against the petitioner. Hence he prays for grant of bail to the petitioner.

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

8. Taking into consideration the facts and circumstances of the case and considering that the previous cases are for the offence under Sections 75(1)(C) TNCP Act, 506(ii) & 307 IPC and also taking note of the fact that the co-accused has been granted bail and the investigation has also been completed and the final report is pending committal on the file of the learned trial Court, this Court is inclined to grant bail to the petitioner.



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9. 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 surety should be blood related surety and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate V, Coimbatore**, 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 learned Judicial Magistrate V, Coimbatore, everyday at 10.30 a.m. without fail, 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.

21.09.2022

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To

1. The Judicial Magistrate V, Coimbatore.
2. The Inspector of Police,
B-1, Bazaar Police Station,
Coimbatore District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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