



CrI.O.P.No.23855 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

CORAM

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

CrI.O.P.No.23855 of 2022

1. Sottaiyan Raja

2. Karthi

3. Vikram

4. Koola Karthi

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Annadhanapatti Police Station,
Salem.
(Crime No.422/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime
No.422 of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.D.Mario Johnson

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 07.09.2022 for the offences punishable under Sections 341, 392, 397 & 506(ii) of IPC, in Crime No.422 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners waylaid the de-facto complainant and by threatening him at knife point, snatched a sum of Rs.2550/- from him. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that as far as the first petitioner is concerned, he has a previous case in Crime No.233 of 2022 registered for the offence under Sections 341, 294(b), 323, 324, 307 & 506(ii) of IPC, for which he has been granted with bail by the learned Principal Sessions Judge, Salem in Crl.M.P.No.2930 of 2022. He would further submit that in order to comply with the condition pursuant to the above order, the first petitioner had gone to the police station, wherein, there was a quarrel between him and the police, due to which, a false



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complaint has been lodged as against the petitioners. He would also submit that other than the first petitioner, the other petitioners do not have any case on them. He would also state that the petitioners are in custody from 07.09.2022 and they are also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioners have waylaid the de-facto complainant and robbed a sum of Rs.2,550/- from him at knife point. He would further submit that Rs.400 has only been recovered from the petitioners. He would also submit that there was a previous case as against the first petitioner and as far as the other petitioners are concerned, there is no previous case as against them. However, he oppose to grant bail to the petitioners.

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



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate Court No.IV, 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 petitioners shall report before the learned Judicial Magistrate-I, Salem, everyday at 10.30 a.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;



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[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.

29.09.2022

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To

1. The Judicial Magistrate No.IV, Salem.
2. The Judicial Magistrate-I, Salem.
3. The Inspector of Police,
Annadhanapatti Police Station,
Salem.
4. The Central Prison,
Salem.
5. The Public Prosecutor,
High Court of Madras.



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