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Crl.O.P.No.25274 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2022

CORAM

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

Crl.O.P.No.25274 of 2022

Ponmurugan

... Petitioner

Vs.

The State Rep.by
The Inspector of Police,
Erode North Police Station,
Erode District.
Crime No.318/2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to ENLARGE THE PETITIONER ON BAIL in connection with
Crime No.318 of 2022 on the file of the Respondent Police and investigation
pending.

For Petitioner : Mr.Ilayaraja Kandasamy

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



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3. The learned counsel appearing for the petitioner would submit that the petitioner is a trader of human hair and due to dispute between the petitioner and the defacto complainant regarding payment, a false complaint has been given as against the petitioner. He would also submit that the petitioner is in custody from 15.08.2022 i.e., for more than 60 days and the earlier application for bail in Crl.O.P.No.21635 of 2022 was dismissed on 26.09.2022 on the ground stating that there are 13 previous cases of similar nature as against the petitioner. He would also submit that the respondent has not filed the final report till date and the petitioner is entitled for statutory bail under Section 167(2) of Cr.P.C., 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 is a habitual offender and he has got 13 previous cases of similar nature. He would also submit that the investigation is pending and the final report has not been filed so far. Therefore, he vehemently opposed to grant bail to the petitioner.



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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 though it is stated that 13 previous cases are pending as against the petitioner, taking into consideration the period of incarceration suffered by the petitioner and also the fact that the final report has not been filed, thereby, the petitioner is entitled for bail under Section 167(2) of Cr.P.C., 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Erode**, and on further conditions that:



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[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 daily 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 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.

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To

1. The Judicial Magistrate No.I, Erode.
2. The Inspector of Police,
Erode North Police Station,
Erode 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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