



Crl.O.P.Nos.25244 & 25245 of 2022

WEB COPY

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.Nos.25244 & 25245 of 2022

Prakash ... Petitioner in Crl.O.P.No.25244 of 2022
V.Mano ... Petitioner in Crl.O.P.No.25245 of 2022

Vs.

State rep. by,
The Inspector of Police,
Erode GH Police Station,
Erode District.

(Cr.No.92 of 2022) ... Respondent in both the Crl.O.P.Nos.

Common Prayer: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleaded to enlarge the Petitioner on bail in connection with Crime No.92 of 2022 pending investigation on the file of the respondent police.

For Petitioners : Mr.C.S.Saravanan (In Crl.O.P.No.25244 of 2022)
Mr.V.Regunathan (In Crl.O.P.No.25245 of 2022)

For Respondent : Mr.C.E.Pratap
Govt. Advocate (Crl.Side) (In both Crl.O.P.Nos.)

COMMON ORDER



Crl.O.P.Nos.25244 & 25245 of 2022

WEB COPY

The petitioners, who were arrested and remanded to judicial custody on 20.08.2022 for the offences punishable under Section 395 IPC, seek bail.

2. The case of the prosecution is that on 12.08.2022, the petitioners along with the other accused waylaid the de-facto complainant, who was returning back from work and on pushing him down, snatched a bag containing laptop, mobile phone and other particulars to the worth of Rs.20,000/- from him and ran away from the scene of occurrence. Hence the case.

3. The learned counsel appearing for the petitioners would submit that these are the second bail applications filed before this Court and this Court, had dismissed the earlier bail applications in Crl.O.P.No.22854 & 22858 of 2022 vide order dated 26.09.2022, on the ground that there is a previous case pending as against each of the petitioner. He would further submit that the petitioners are in custody from 20.08.2022 and they are ready to furnish sufficient sureties and are prepared to abide by any stringent



Crl.O.P.Nos.25244 & 25245 of 2022

conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners are arrayed as A5 and A1 respectively. He would further submit that the petitioners along with three other accused waylaid the de-facto complainant and by assaulting him, snatched a black bag containing laptop and mobile phone, worth about rupees twenty thousand, from him and escaped from the scene of occurrence. He would further submit that the robbed materials have been recovered from the accused and he would also submit that each petitioner has a previous case pending against them. Hence, he vehemently oppose for grant of bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case



Crl.O.P.Nos.25244 & 25245 of 2022

and the submissions made by the learned counsel for the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.50,000/- (Rupees Fifty thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Erode**, 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 respondent police, everyday at 10.30 a.m. and 5.30 p.m., until further orders;

[c] the petitioners shall not abscond either during trial;

[d] the petitioners shall not tamper with evidence or witness during trial;

[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



Crl.O.P.Nos.25244 & 25245 of 2022

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.

18.10.2022

ham

To

1. The Judicial Magistrate No.II, Erode.
2. The Inspector of Police,
Erode GH Police Station,
Erode District.
3. The Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.Nos.25244 & 25245 of 2022

A.D.JAGADISH CHANDIRA., J.

ham

Crl.OP.Nos.25244 & 25245 of 2022

18.10.2022