



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.26089 of 2021

Manikandan

...Petitioner

Vs.

State Represented by
The Inspector of Police,
Gingee Police Station,
Gingee TK.
Villupuram District.
Cr. No.472 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.472 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Lourdu Savio

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

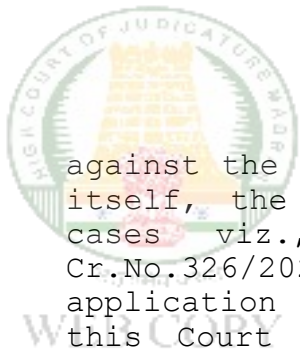
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 03.10.2021 for the offences under Sections 294(b), 341, 307, 392 and 397 of IPC, in Crime No.472 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner at knife point robbed a sum of Rs.1,200/- from the de facto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he is no way connected with the alleged offence. He would further submit that the petitioner is working in SWIGGY, Chennai, and the police have been foisting false cases



against the petitioners for statistical purpose and that in year 2021 itself, the police have falsely implicated the petitioner in four cases viz., Cr.No.788/2021, Cr.No.433/2021, Cr.No.42/2021 and Cr.No.326/2021. He would further submit that this is the second application for bail and the earlier application was dismissed by this Court in CrI.O.P.No.23138 of 2021 dated 02.12.2021 and the petitioner has been suffering incarceration for more than 90 days from 03.10.2021. Hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (CrI. Side) would raise objection stating that there are two accused in this case and the petitioner is arrayed as A2 and he has got 6 previous cases but admits that A1 has been released on bail and that the investigation is almost completed.

5. It is seen that out of 6 previous cases, 4 cases are related to the year 2021. Considering the above facts and circumstances of the case and A1 has been released on bail and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Gingee, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;



(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

05/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
GINGEE, VILUPPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILUPPURAM DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL JAIL, CUDDALORE.

4 THE INSPECTOR OF POLICE,
GINGEE POLICE STATION,
GINGEE TK. VILLUPURAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to MR.M.LOURDU SAVIO Advocate on payment of necessary charges SR.NO.217

CRL OP.26089/2021

Date :05/01/2022

RW 05/01/2022