



Crl.O.P.No.26223 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM

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

Crl.O.P.No.26223 of 2022

Santhosh Kumar

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Sooramanagalm Police Station,
Salem.
Crime No.634 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime No.
634 of 2022 on the file of the respondent police.

For Petitioner : Mr.S.V.Karthikeyan

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



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Crl.O.P.No.26223 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.10.2022, for the offences punishable under Sections 341, 294(b), 392 read with Section 397 and 506(ii) of IPC, in Crime No.634 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that on 07.10.2022 at about 07.00.p.m., when the defacto complainant was walking near RTO office, the petitioner along with other accused waylaid the defacto complainant and snatched a sum of Rs.1,800/- at knife point. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and false case been foisted against the petitioner. He would further submit that, on reading of the FIR, will go to show that, on an earlier occasion, the petitioner had eloped with a girl and the respondent had registered a case in Crime No.8 of 2022 for the offence under Section POCSO Act and thereafter he was granted anticipatory bail by this Court in Crl.O.P.No.18236 of 2022 on 03.08.2022 and he was regularly



Crl.O.P.No.26223 of 2022

appearing before the respondent police in due compliance of the conditions imposed by this Court. He would reiterate that, other than the POCSO case, no other case is pending against the petitioner. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that, the petitioner along with other accused waylaid the defacto complainant and snatched a sum of Rs.1,800/- at knife point. He would further submit that there are two previous cases pending against the petitioners, out of which, one is registered under Section POCSO Act in Crime No. 18 of 2022 and another case is registered in Crime No. 355 of 2022 under Section 75(1)(b) of Tamil Nadu City Police Act. Hence, he opposed to grant bail to the petitioner.

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



CrI.O.P.No.26223 of 2022

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6. Taking into consideration the facts and circumstances of the case, the submission made by the learned counsel, the period of incarceration suffered by the petitioner, 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.II, 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 petitioner shall report before the learned Additional Mahila Court, Salem on all working days until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;



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CrI.O.P.No.26223 of 2022

[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 absconds, a fresh FIR can be registered under Section 229A IPC;

28.10.2022

Sma

To

1. learned Judicial Magistrate No.II,
Salem.
- 2.The Sub-Inspector of Police,
Sooramanagalm Police Station,
Salem.
3. Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.26223 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.26223 of 2022

28.10.2022