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Crl.OP.No.26611 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

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

Crl.OP.No.26611 of 2022

Vicky @ Vignesh

... Petitioner

Vs.

The State of Tamil Nadu,
Rep. By the Sub Inspector of Police,
Kitchipalayam Police Station,
Salem City
(Crime No.274 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/Accused No.1 on bail, pending investigation
of the case in the Crime No.274 of 2022 on the file of the respondent.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : Mr.C.E.Pratap,
Government Advocate (crl.side),



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.09.2022 for the offences punishable under Sections 341, 392, 397 of IPC in Crime No.274 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Dayalan is that the petitioner along with the other accused waylaid him and by brandishing a knife, had robbed an amount of Rs.780/- from him. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has nothing to do with the alleged offence. He would submit the respondent police had earlier registered a case against the petitioner in Crime No.530 of 2021 for the offence punishable under Section 341, 392, 397 & 506(ii) of IPC and the respondent police had summoned the petitioner to the police station, since, the petitioner did not appear, a case has been foisted as against the petitioner. He would further submit that very reading of the FIR would show that it is foisted case for the offence of robbery and even as per the FIR, the defacto complainant and the



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accused are known to each other. He would submit that the co accused in this case has been granted bail by this Court in Crl.O.P.No.24850 of 2022 dated 14.10.2022. He would submit that the petitioner is aged about 30 years and he is in custody from 08.09.2022. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioner along with the other accused way laid the defacto complainant and robbed a sum of Rs.780/- and only part of the amount has been recovered. He would also submit that the accused and the defacto complainant are known to each other. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record including the First Information Report.

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



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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-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 respondent Police daily at 10.30 a.m and 5.30 pm 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



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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.

03.11.2022

shk

To

1. The learned Judicial Magistrate-II, Salem.
2. The Sub Inspector of Police,
Kitchipalayam Police Station,
Salem City
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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