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Crl.OP.No.26590 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.26590 of 2022

Nanthakumar

... Petitioner

Vs.

State rep by
The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
(Crime No.286 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.286 of 2022 pending
investigation on the file of the respondent police.

For Petitioner : Mr.L.Ramanathan

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 23.09.2022 for the offences punishable under Sections 341, 392, 397 & 506(ii) of IPC in Crime No.286 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that on 22.09.2022, the petitioner had way laid the defacto complainant and at the knife point, intimidated and threatened the defacto complainant and robbed a sum of Rs.1250/- 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 that earlier, the petitioner was also implicated in the case registered by the respondent police in Crime No.450 of 2021 for the offence punishable under Section 302 of IPC. Thereafter, the respondent police has also shown the petitioner as a History Sheeter in H.S.No.621 of 2021. Later, the respondent police had summoned the petitioner to the police



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station and since the petitioner did not appear, the respondent police registered a case as if, the petitioner had committed robbery. He would submit that the petitioner is aged about 24 years and other than the case registered in Crime No. 450 of 2021, there is no other case as against the petitioner. 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 is a History Sheeter, involved in the earlier case of murder. He would submit that the petitioner had waylaid the defacto complainant and by threatening him at knife point, had snatched an amount of Rs.1250/-. 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



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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-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



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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.

03.11.2022

shk

To

1. The learned Judicial Magistrate-II, Salem.
2. The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
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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