



WEB COPY



CrI.O.P.No.27865 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

CORAM

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

CrI.O.P.No.27865 of 2022

Stephenraj

... Petitioner

Vs.

The State by,
The Inspector of Police,
Kattoor Police Station,
Coimbatore District.
(Crime No.464 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.464 of 2022 on the file
of the respondent police.

For Petitioner : Mr.M.Dinesh

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



WEB COPY



CrI.O.P.No.27865 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.09.2022 for the offences punishable under Sections 392 and 397 of IPC in Crime No.464 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 17.09.2022 at about 8.30 a.m., the petitioner along with the other accused had threatened the *de-facto* complainant, who is a bus conductor, by showing knife and robbed a sum of Rs.3,950/- and tried to escape from the scene of occurrence. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that this is the 2nd petition for bail and the earlier petition for bail was dismissed on the ground that the petitioner has got 3 previous cases against him. He would further submit that the petitioner is in custody for more than 60 days and hence, he prays for grant of bail to the petitioner.



Crl.O.P.No.27865 of 2022

WEB COPY

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner along with the other accused had threatened the *de-facto* complainant, who is a bus conductor, by showing knife and robbed a sum of Rs.3,950/- and tried to escape from the scene of occurrence. He would further submit that there are 3 previous cases of similar nature as against him. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the period of incarceration, 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**



Crl.O.P.No.27865 of 2022

thousand only) with two sureties (one among the sureties shall be a blood surety), each for a like sum to the satisfaction of learned Judicial Magistrate No.II, Coimbatore, 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 everyday at 10.30 a.m. and 5.30 p.m., 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



Crl.O.P.No.27865 of 2022

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.

21.11.2022

mpl



WEB COPY



Crl.O.P.No.27865 of 2022

A.D.JAGADISH CHANDIRA.,J.

mpl

To

1. The Judicial Magistrate No.II,
Coimbatore.
- 2.The Inspector of Police,
Kattoor Police Station,
Coimbatore District.
3. Central Jail,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.27865 of 2022

21.11.2022