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CrI.OP.No.27076 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM

THE HON'BLE MR. JUSTICE **M.NIRMAL KUMAR**

CrI.OP.No.27076 of 2022

Masoodkhan

..Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Bargur Police Station,
Krishnagiri District.
Crime No.205 of 2022

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No. 205 of 2022 on the file of the respondent police.

For Petitioner : Mr.P.M.Jayachandran

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.09.2022 for the offences punishable under Sections 451, 394 of I.P.C @ 397, 307 of IPC in Crime No.205 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner trespassed into the house of the defacto complainant and caused stab injuries using knife and also snatched her gold chain weighing about 2 ½ sovereigns. Hence, the case.

3. The contention of the learned counsel for the petitioner is that the petitioner used to meet his friend, who is the neighbour of the defacto complainant. On 31.08.2022, there was some dispute between the neighbours and that the petitioner had only questioned the same and attempted to mediate, which has been falsely projected, as if, the petitioner had snatched the defacto complainant's chain and injured the defacto complainant. He would further submit that the petitioner has got



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no previous case pending against him. Hence, he seeks for grant of bail to the petitioner.

3. The learned Government Advocate (CrI.Side) appearing for the respondent would submit that, investigation in this case has been completed and the property alleged to be snatched has also been recovered and the same has been deposited in the Court in C.P.No.112 of 2022 and charge sheet also filed in P.R.C.No.48 of 2022 before the learned Judicial Magistrate -I, Krishnagiri. However, he opposed for grant of bail to the petitioner.

5. Heard the learned counsels and also perused the materials available on record.

6. Taking into consideration the facts and submissions and the period of incarceration of the petitioner from the date of his arrest and also considering that property recovered, 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 No.I, Krishnagiri** 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 Committal Court on all hearing dates without fail.

[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



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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.

07.11.2022

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To

1. The Judicial Magistrate No.I,
Krishnagiri.
2. The Inspector of Police,
Bargur Police Station,
Krishnagiri District.
3. Sub Jail,
Krishnagiri.
4. The Public Prosecutor,
High Court of Madras



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M.NIRMAL KUMAR, J.

Sma

CrI.O.P.No.27076 of 2022

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