



Crl.O.P.Nos.27228 & 29132 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

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

Crl.O.P.Nos.27228 & 29132 of 2022

1. Praveenkumar

2. Karthick

... Petitioners in Crl.O.P.No.27228 of 2022

Mani @ Manikandan

... Petitioner in Crl.O.P.No.29132 of 2022

Vs.

The State represented by,
The Inspector of Police,
Kondalampatty Police Station.
Salem District.
(Crime No.553/2022).

... Respondent in both Crl.O.P.Nos.

PRAYER in Crl.O.P.No.27228 of 2022: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners on bail in connection with the Crime No.553 of 2022, pending investigation on the file of the respondent Police.

PRAYER in Crl.O.P.No.29132 of 2022: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner on bail in connection with the Crime No.553 of 2022, pending investigation on the file of the respondent Police.



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In Crl.O.P.No.27228 of 2022,

For Petitioners : Ms.S.Sengkodi
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

In Crl.O.P.No.29132 of 2022,

For Petitioner : Ms.K.Akshaya
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody for the offences punishable under Sections 294(b), 323, 307 & 506(ii) IPC, in Crime No.553 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant Seenivasan is that he and A4 Karthick in this case become friends when there were in jail. On 14.10.2022, at about 6.00 a.m., the accused had come to the house of the *de-facto* complainant and taken him to nearby shop, wherein, they had informed him that they have assaulted the lorry driver at about 3.00 a.m., and taken away the cell phone and amount from the driver and further, they had demanded Rs.20,000/- from the de-facto complainant for their court



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expenses. When the de-facto complainant had expressed his inability, the accused have assaulted him with iron rod and they have also threatened the public by showing the iron rod and escaped from the scene of occurrence. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent person and they have been falsely implicated in this case. They further submitted that very reading of the First Information Report would show that this is the stereotyped FIR, registered only in order to detain the petitioners and the other accused under Act 14, since they have got previous cases. They further submitted that the injured has been discharged from the hospital and hence, they prayed to grant bail to the petitioners.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners, who are arrayed as A1, A4 & A3 respectively, are habitual offenders having several cases including some notorious cases within Salem City. He further submitted that the petitioners along with the other accused have assaulted the *de-facto*



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complainant with iron rod, causing injuries on head and all over his body, when he refused to give Rs.20,000/- as demanded by them and also threatened the public. He also stated that the injured has been discharged from the hospital on 16.10.2022, however, he vehemently opposed to grant bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners submitted that the petitioners in Crl.O.P.No.27228 of 2022 are in custody from 14.10.2022 and the petitioner in Crl.O.P.No.29132 of 2022 is in custody from 15.10.2022 and they are ready to abide by any stringent conditions that may be imposed by this Court, hence they prayed to grant bail to the petitioners.

6. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

7. Taking into consideration the facts and circumstances of the



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case and the submissions made by the learned counsel and considering the period of incarceration undergone by the petitioners and also taking note of the contents in the First Information Report, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) each** with **two sureties** (out of which one surety should be a blood related surety and should produce document to show his/her means),, each for a like sum to the satisfaction of the **learned Judicial Magistrate - 5, 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 petitioners shall stay at Sivagangai and report before the Inspector of Police, Sivagangai Town Police Station, everyday at 10.30a.m., and 05.30p.m., until further orders;

[c] the petitioners shall not abscond either



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during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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To

1. The Judicial Magistrate - 5,
Salem.
2. The Inspector of Police,
Kondalampatty Police Station.
Salem District.
3. The Central Prison,
Salem.
4. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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