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Crl.O.P.No.27342 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2022

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

Crl.O.P.No.27342 of 2022

Gowtham @ Pokkaiyan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kitchipalayam Police Station,
Salem District.

(Crime No.294/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.294
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Shankar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 24.09.2022, for the offences punishable under Sections 341, 392, 397 and 506(ii) of IPC in Crime No.294 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant/Dharshana Moorthy is that on 24.09.2022 at about 7.00 a.m., the petitioner along with the other accused by brandishing knife taken away a sum of Rs.2000/- from his shirt pocket and the further allegation is that on seeing the incident, general public gathered there and the accused had threatened them with knife and escaped from the scene of occurrence. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner, aged about 22 years, is an innocent person. He would also submit that very reading of the First Information Report will show that it is a foisted case to detain the petitioner under Act 14. He would also submit that the petitioner is now employed in a tinkering workshop and there are materials to show that the petitioner was working in a tinkering workshop



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during the relevant point of time. He would also state that since the petitioner has got some previous cases registered during 2017 to 2021, the respondent summoned him to the police station and since the petitioner did not appear before them, a false case has been registered against him in order to keep him in continued detention. He would also submit that the petitioner is in custody from 24.09.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner along with other accused waylaid the de-facto complainant and by brandishing knife taken away a sum of Rs.2,000/- from him and also threatened the general public. He would also submit that as far as this petitioner is concerned, he is a habitual offender against whom there are 6 previous cases. Hence, he vehemently oppose for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned



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Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and taking note of the contents in the FIR and also considering the the period of incarceration undergone by the petitioner and his age, this Court is inclined to grant bail to the petitioner with certain conditions.

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** (out of which, one surety should be either father or mother of the petitioner and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Salem** and on further conditions that:



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[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 10.30a.m. and 5.30p.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 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.

09.11.2022

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To

1. The Judicial Magistrate No.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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