



Crl.O.P.No.27948 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM

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

Crl.O.P.No.27948 of 2022

Surya

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Soormangalam Police Station,
Salem City.

(Crime No.637 of 2022)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime
No.637 of 2022 on the file of the respondent Police.

For Petitioner : Ms.S.Premakumari

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 09.10.2022, for the offences punishable under Sections 341, 294(b), 392, 397, 506(ii) IPC, in Crime No.637 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.10.2022, the accused abused the de-facto complainant in a filthy language and by threatening him at knife point, had taken away a sum of Rs.1000/- and a mobile phone from the de-facto complainant's pocket. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and very reading of the First Information Report will show that the case has been foisted only to detain the petitioner under Act 14. She further submitted that it is stated that the petitioner had created ruckus and thereby, committed infraction of public order and she also reiterated that the case has been registered for the purpose of detaining the petitioner. She also submitted that the petitioner is in custody from



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09.10.2022 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 learned Government Advocate (Crl.Side) submitted that the petitioner is a habitual offender against whom there are two previous cases, out of which one is registered during the year 2013 and the another one is registered very recently in Crime No.325 of 2022 for the offence under Sections 294(b), 323, 307 IPC. He further submitted that as far as this case is concerned, the accused by threatening the de-facto complainant at knife point robbed a sum of Rs.1000/- and a mobile phone from him. He also submitted that an amount of Rs.800/- and a mobile phone were recovered from the accused, however, he opposed to grant bail to the petitioner.

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



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and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, 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 thousand only)** 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-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 learned Judicial Magistrate-II, Salem, on all working days at 10.30 a.m., unless or otherwise, the petitioner has to appear before any other Court for any other hearing, until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[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.

16.11.2022

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To

1. The Judicial Magistrate - II, Salem.
2. The Inspector of Police,
Soormangalam Police Station,
Salem.
3. The Central Jail, Salem.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.



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