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CrI.O.P.No.28066 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

CORAM

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

CrI.O.P.No.28066 of 2022

Sarath Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vellore North Crime Police Station,
Vellore District.

(Crime No.172/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.172
of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Silambu Selvan

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 10.10.2022, for the offences punishable under Sections 341, 294(b), 392, 397, 506(ii) IPC, in Crime No.172 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant Iruthayaraj is that pm 10.10.2022, at about 07.00 a.m., while he was on the way to his work, the accused waylaid, threatening him by saying that they have already gone to prison had abused him in a filthy language and taken away a sum of Rs.1,500/- from his pocket by brandishing knife and also threatened the passers by. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person. He further submitted that very reading of the First Information Report would show that this is the false case foisted only in order to detain the petitioner and the other accused under Act 14. He further submitted that the case is a fabricated one and the petitioner has been in custody from 10.10.2022. He also submitted that the petitioner is ready to



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abide by any stringent conditions that may be imposed by this Court, hence, he prayed to grant bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, who is arrayed as A2 along with A1 had waylaid the de-facto complainant and by threatening him at knife point, robbed a sum of Rs.1,500/- from him. He further submitted that three previous cases are pending as against the petitioner, however, he vehemently 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 and the submissions made by the learned counsel and considering the period of incarceration undergone by the petitioner and also taking note of the contents in the First Information Report, this Court is inclined to grant bail to the petitioner with certain conditions.



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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.4, Vellore**, 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 06.30p.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]***;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

22.11.2022

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To

1. The Judicial Magistrate-4,
Vellore.
2. The Inspector of Police,
Vellore North Crime Police Station,
Vellore District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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