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Crl.O.P.No.28722 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

CORAM

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

Crl.O.P.No.28722 of 2022

Manikandan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Veerapandi Taluk Police Station,
Tiruppur.

(Crime No.1450/2021).

... 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.1450 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Dharmakkan

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 14.12.2021 for the offences punishable under Sections 392, 397 of IPC, in Crime No.1450 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner, by threatening the de-facto complainant and causing injury to him, had robbed a sum of Rs.1,00,000/- cash from him. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the respondent has completed the investigation and filed the final report, which has been committed to the Chief Judicial Magistrate, Tiruppur and taken up for trial in S.C.No.106 of 2022 on the file of the learned Chief Judicial Magistrate, Tiruppur. He also submitted that the petitioner is in custody from 14.12.2021 and he is ready to



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comply with any stringent conditions that may be imposed by this Court and also prepared to furnish adequate sureties. He also stated that only if the petitioner comes out of bail, he will be able to engage a counsel to defend his case and hence, he prayed to grant bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner had robbed a sum of Rs.1 lakh from the de-facto complainant and out of which, only about a sum of Rs.46,000/- has been recovered from the accused. He further submitted that one case of similar nature is pending as against the petitioner. He also stated that the case is taken up for trial in S.C.No.106 of 2022 on the file of the learned Chief Judicial Magistrate, Tiruppur and now it stands posted for examination of witnesses on 05.12.2022. Hence, 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.



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel that the petitioner has to engage a counsel to defend his case and taking note of the fact that the case is taken up on the file in S.C.No.106 of 2022 and also considering the long period of incarceration undergone by the petitioner, 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**, each for a like sum to the satisfaction of the **learned Chief Judicial Magistrate, Tiruppur**, 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 Chief Judicial Magistrate, on all working days at 10.30 a.m., until further orders;



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[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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.

29.11.2022

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To

1. The Chief Judicial Magistrate,
Tiruppur.
2. The Inspector of Police,
Veerapandi Taluk Police Station,
Tiruppur.
3. The Sub Jail,
Tiruppur.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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