



CrI.O.P.No.28919 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **24.11.2022**

CORAM

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

CrI.O.P.No.28919 of 2022

Vikram

... Petitioner

Vs.

State Rep by its,
The Inspector of Police,
Sooramangalam Police Station,
Salem District.
(Crime No.651 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in Crime No.651 of 2022 on the file
of the respondent.

For Petitioner

: Mr.C.Deepak Kumar

For Respondent

: Mr.C.E.Pratap,
Government Advocate (crl.side)



Crl.O.P.No.28919 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.10.2022 for the offences punishable under Sections 341, 392, 397 and 506(ii) of IPC, in Crime No.651 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that on 17.10.2022, while he was on the way to Temple, the petitioner along with the other accused had waylaid the defacto complainant and at the knife point had robbed a sum of Rs.1,800/- from him. Hence the case.

3.The learned counsel for the petitioner would submit that the respondent police foisted a false case against the petitioner to detain him under the Act 14. He would submit that since the petitioner has some previous cases, the respondent police had summoned the petitioner to the police station. However, on fearing of arrest, the petitioner did not appear before the respondent police and a case has been foisted against the petitioner as if he had committed robbery. A very reading of FIR itself clearly shows that it is a stereo type FIR, to detain the petitioner under the



Crl.O.P.No.28919 of 2022

Act 14. He would submit that this is the second application for bail. Earlier bail application in Crl.O.P.No.26886 of 2022 was dismissed by this Court on 04.11.2022. The petitioner is ready to abide by any stringent conditions imposed by this Court. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioner along with the other accused had waylaid the defacto complainant and at the knife point had robbed a sum of Rs.1,800/- from him. He would submit that there are 4 previous cases pending against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel and also the period of incarceration suffered by the petitioner from 17.10.2022, 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.2, 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 stay at Virudhunagar and report before the Virudhunagar Town Police Station daily at 10.30 am and 5.30 pm for a period of 30 days and thereafter report before the respondent police station daily at 10.30 am until further orders;

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



Crl.O.P.No.28919 of 2022

[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.

24.11.2022

shk



WEB COPY



Crl.O.P.No.28919 of 2022

A.D.JAGADISH CHANDIRA,J.

shk

To

1. The learned Judicial Magistrate No.2, Salem
2. The Inspector of Police,
Sooramangalam Police Station,
Salem District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.28919 of 2022

24.11.2022