



CrI.O.P.No.28831 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2022

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

CrI.O.P.No.28831 of 2022

Manikandan

... Petitioner

Vs.

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

(Crime No.554/2022).

... 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.554
of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Pandiyan

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 15.10.2022, for the offences punishable under Sections 341, 392, 397 & 506(ii) IPC, in Crime No.554 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant is that on 15.10.2022, at about 08.45 a.m., the accused waylaid the *de-facto* complainant and by threatening him with iron rod, robbed a sum of Rs.9,000/- from him and they have also threatened the public and caused public order problem. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner, who is aged about 22 years, is an innocent person and he has been falsely implicated in this case. He further submitted that very reading of the First Information Report would show that this is the foisted case registered only in order to detain the petitioner and the other accused under



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Act 14, since they got previous cases. He further submitted that the petitioner is in custody from 15.10.2022 and he is ready to 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 A1 in this case, has got three previous cases. He further submitted that the petitioner along with the other accused have waylaid the *de-facto* complainant and by threatening him with iron rod, robbed a sum of Rs.9,000/- from him and also threatened the public, hence, 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



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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.

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 - 5, 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 Sivagangai and report before the Inspector of Police, Sivagangai Town Police Station, everyday at 10.30a.m., and 05.30p.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



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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

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To

1. The Judicial Magistrate - 5,
Salem.
2. The Inspector of Police,
Kondalampatty Police Station.
Salem District.
3. The Central Prison,
Salem.
4. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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