



Crl.O.P.No.28926 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM

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

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1. Praveen @ Kili Praveen

2. Arun Prasad

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Saravanampatti Police Station,
Coimbatore District.

(Crime No.633/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime
No.633 of 2022 pending investigation on the file of the respondent Police.

For Petitioners : Mr.S.Amarnath

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 19.09.2022, for the offences punishable under Section 394 of IPC @ 395 of IPC in Crime No.633 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with other accused have assaulted the de-facto complainant with beer bottle and robbed a sum of Rs.4,000/-, Aadhar card, mobile phone and wallet from him. Hence the case.

3. The learned counsel appearing for the petitioners submitted that this is the second bail application before this Court and this Court had dismissed the earlier bail application in CrI.O.P.No.25394 of 2022 vide order dated 01.11.2022 on the ground that the petitioners were arrested only on 19.09.2022. He further submitted that the names of the petitioners does not find place in the First Information Report and also the respondent has not conducted the test identification parade in the case and the petitioners were



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arrested only based on the suspicion, since they have got two previous cases.

He also stated that the petitioners are in custody from 19.09.2022 and they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioners.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners are habitual offenders against whom there are two previous cases of similar in nature are pending. He further submitted that petitioners have assaulted the de-facto complainant, who is a North Indian with beer bottle and robbed a sum of Rs.4,000/-, a cellphone, wallet and Aadhar card from him. He also submitted that the investigation is still pending, hence, he opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners 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 and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-II, Coimbatore** 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m. and 5.30p.m., until further orders;

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

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

30.11.2022

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To

1. The Judicial Magistrate-II,
Coimbatore.
2. The Inspector of Police,
Saravanampatti Police Station,
Coimbatore District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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