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Crl.OP.No.29150 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM

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

Crl.OP.No.29150 of 2022

Abubakker Sidick

... Petitioner

Vs.

The Inspector of Police,
D-2, Selvapuram Police Station,
Coimbatore, Coimbatore District.
Crime No.297/2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.297 of 2022 on the file
of the Inspector of Police, D2, Selvapuram Police Station, Coimbatore City,
Coimbatore District.

For Petitioner : Mr.C.D.Sugumar

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 26.10.2022 for the offence punishable under Section 392 of IPC in Crime No.297 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that while he was standing outside his house using mobile phone, three persons were came in PULSAR and snatched his mobile phone and escaped from the scene of occurrence. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner is ready to abide by any stringent conditions imposed by this Court. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that though the petitioner's name does not found placed in the FIR, he has been arrested based on the CCTV footage. He



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would submit that there are 2 previous cases pending against him. Hence, he vehemently opposed to grant bail to the petitioner.

5. In reply, learned counsel for the petitioner would submit that the said 2 cases have been registered during the year of 2014 and thereafter, for the past 8 years, the petitioner has no cases registered against him.

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

7. Taking into consideration of the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 blood sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.V, Coimbatore** and on further conditions that:



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[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 every day at 10.30 am 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]**;

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

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To
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1. The learned Judicial Magistrate No.V, Coimbatore
- 2.The Inspector of Police,
D-2, Selvapuram Police Station,
Coimbatore, 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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