



CrI.O.P.No.29303 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

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

CrI.O.P.No.29303 of 2022

1. Karthik

2. Deepan

3. Sivakumar

... Petitioners

Vs.

State rep. By
The Inspector of Police,
Karungalpalayam Police Station,
Erode District.
(Crime No.514 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in Crime No.514 of 2022 pending
investigation on the file of the respondent police.

For Petitioners : Mr.C.S.Saravanan

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



CrI.O.P.No.29303 of 2022

WEB COPY

ORDER

The petitioners, who were arrested and remanded to judicial custody on 12.10.2022 for the offences punishable under Sections 294(b), 392 of IPC, in Crime No.514 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant Sugail Ahamad is that on 10.10.2022, while he was returning home with the collection amount in his shop, three unknown persons have waylaid him and abused him in a filthy language and by threatening him with weapon and assaulting him, robbed a sum of Rs.5 lakhs from him. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and a false case has been lodged as against them. He further submitted that the first petitioner is the employee of the de-facto complainant, who is well known to the de-facto complainant and there was a salary dispute between them, due to which, a false case has been given by the de-facto complainant, by suppressing the identity. He also stated



Crl.O.P.No.29303 of 2022

that the petitioners are in custody from 12.10.2022 and there is no bad antecedents as against them. Hence, he prayed to grant bail to the petitioners.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners have waylaid the de-facto complainant and robbed a sum of Rs.5 lakhs from him. He also submitted that Rs.3,80,000/- has been recovered from the accused and also stated that there is no previous case as against these petitioners, however, 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.

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 them, this Court is inclined to grant bail to the petitioners with certain conditions.



CrI.O.P.No.29303 of 2022

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 No.I, Erode** 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., 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;

[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]***;



Crl.O.P.No.29303 of 2022

[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 Judicial Magistrate No.I,
Erode.
2. The Inspector of Police,
Karungalpalayam Police Station,
Erode District.
3. The Sub Jail,
Erode.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.29303 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.29303 of 2022

29.11.2022