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Crl.OP.No.29482 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM

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

Crl.OP.No.29482 of 2022

1.Praveen Kumar
2.Karthick

... Petitioners

Vs.

State rep. By:
The Inspector of Police,
Kondalampatty Police Station.
Crime No.554 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.554 of 2022 pending
investigation on the file of the respondent police.

For Petitioners : Ms.S.Sengkodi

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

ORDER



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The petitioners, who were arrested and remanded to judicial custody on 15.10.2022 for the offences punishable under Sections 341, 392, 397 and 506(ii) of IPC in Crime No.554 of 2022 on the file of respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant is that on 15.10.2022, at about 8.45 am, the accused had waylaid the defacto complainant and by threatening him with iron rod, robbed a sum of Rs.9000/- from him and they have also threatened the public and caused law and order problem. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners and the defacto complainant are known to each other and on the instigation of the police, a false case has been given against them by the defacto complainant. She would submit that since the petitioners have some previous cases, the respondent police had summoned the petitioners to the police station. However, on fearing of arrest, the petitioners did not appear before the respondent police and a case has been foisted against the



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petitioners as if they had committed robbery. A very reading of FIR itself clearly shows that it is a stereotyped FIR, to detain the petitioners under the Act 14. She would submit that the main accused in this case has been granted bail by this Court in Crl.O.P.No.28831 of 2022 dated 24.11.2022 and the petitioners have also been granted bail in the other case registered in Crime No.553 of 2022. She would submit that the petitioners are ready to abide by any stringent conditions imposed by this Court. Therefore, she prays for grant of bail to the petitioners.

4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioners, who are arrayed as A3 & A4 in this case, are habitual offenders. He would submit that the first petitioner has 7 previous cases, out of which, two cases of similar nature pending against him and the second petitioner has one previous case pending against him for the offence under Section 307 of IPC. Hence, he vehemently opposed to grant bail to the petitioners.

5. Heard both the learned counsel and perused the materials



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available on record including the First Information Report.

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

7. Accordingly, the petitioner is ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.V, 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



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Police Station, every day at 10.30 am and 5.30 pm 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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A.D.JAGADISH CHANDIRA,J.

shk

To

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

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