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Crl.O.P.No.29763 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.29763 of 2022

Pondu @ Vasantharaj

...Petitioner

Vs.

State Rep by:

The Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal.

(Crime No.320 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to grant bail to the petitioner/Accused in Crime No.320/2022 on the file of the respondent Police pending investigation.

For Petitioner : Mr.C.S.Saravanan

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 08.10.2022 for the offences punishable under **Section 392 IPC @ 397, 395 of IPC** in Crime No.320 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant got separated from his wife and living separately. During such time, the petitioner got acquainted with a lady through social media and had asked Rs.5,000/- for paying her son's school fees, While so, on 07.10.2022, the petitioner along with other accused alleged to have threatened him and robbed a sum of Rs.5,000/- and also taken his identity cards and mobile phone. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that false case has been foisted against the petitioner. Hence, he prays for grant of bail to the petitioner.



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4.The learned Government Advocate (Crl.Side) would submit that apart from this case, there are four previous cases pending against the petitioner, out of which, two are similar in nature. Hence, he opposed to grant bail to the petitioner.

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

6. Accordingly, the petitioner is ordered to be released on bail on their executing separate bond for a sum of **Rs.10,000/-** (Rupees ten thousand only) with **two blood sureties**, each for a like sum to the satisfaction of **learned Judicial Magistrate, Tiruchengode** 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.



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[b] the petitioner shall stay at Kanyakumari and report before Kanyakumari Town Police Station twice daily at 10.30.a.m., for a period of four weeks and thereafter report before the respondent police twice daily at 10.30 a.m., and 04.30.p.m., for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

02.12.2022

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To

1. The Judicial Magistrate,
Tiruchengode.
2. The Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal.
3. Central Prison,
Salem
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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