



Crl.O.P.No.295 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.295 of 2023

Vijay,
S/o.Thangapandi

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Fairlands Police Station,
Salem Dt.
(Crime No.772 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.772 of 2022 pending on the file of respondent police.

For Petitioner : Mr.S.Muthukoodalingam
For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl.Side.)



Crl.O.P.No.295 of 2023

ORDER

WEB COPY

The petitioner, who was arrested and remanded to judicial custody on 28.11.2022 for the alleged offence under Sections 392, 397 and 506(ii) of I.P.C. in Crime No.772 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on the date of occurrence, when the petitioner said to have snatched a sum of Rs.3000/- from the defacto complainant's pocket at knife point on his neck and also threatened him with dire consequences. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that the entire allegation is false, vindictive, wanton and he is no way connected with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and due to previous enmity, he has been falsely implicated in this case and he will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been



CrI.O.P.No.295 of 2023

WEB COPY

suffering incarceration for more than 57 days from 28.11.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (CrI. Side) appearing for respondent would submit that there are 3 previous cases pending against him. He would submit that when the defacto complainant going nearby the place of occurrence, the petitioner way laid him and at knife point snatched a sum of Rs.3000/- and criminally intimidated him and subsequently, the amount of Rs.3000/- was recovered from him.. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and amount was recovered from him and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:



WEB COPY



CrI.O.P.No.295 of 2023

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.5, Salem**, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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 on every Wednesday at 10.30 a.m. for period of eight weeks;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;



Crl.O.P.No.295 of 2023

WEB COPY

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

25.01.2023

rpp

To

1. The Judicial Magistrate No.5,
Salem.
2. Inspector of Police,
Fairlands Police Station,
Salem Dt.
3. The Superintendent of Prison,
Sub-Jail, Salem.
4. The Public Prosecutor,
High Court of Madras, Chennai.



WEB COPY



Crl.O.P.No.295 of 2023

T.V. THAMILSELVI, J.

rpp

Crl.O.P.No. 295 of 2023

25.01.2023