



Crl.O.P.No.1809 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.02.2023

CORAM :

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

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Yasik Ilahi @ Laly,
S/o.Shahul Hammed

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
E-1 Singanallur Police Station,
Coimbatore Dt.
(Crime No.544 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.544 of 2022 pending on the file of respondent police.

For Petitioner : Mr.A.Sathishkumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.01.2023 for the alleged offence under Sections 394 r/w 397 of I.P.C. in Crime No.544 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 19.08.2022 at about 23.30 hours, this petitioner along with other accused are awaiting outside of defacto complainant's house, when it was questioned by him, suddenly, they said to have forcibly entered into his house and attacked him with knife and also robbed a cell phone. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that he was arrayed as accused in another case in Crime No.545 of 2022, in which, he moved anticipatory bail and obtained the order and thereafter, he surrendered before the appropriate court and executed sureties. After executing sureties, he appeared for complying the condition, at that time, he was arrested and remanded to judicial custody. He would submit that



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he was not aware about the registration of this case and hence, 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 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 suffering incarceration for more than 35 days from 08.01.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner is arrayed as A2 in this case and one previous case pending against him. He would submit that on the date of occurrence, the petitioner along with other accused forcibly entered into house of defacto complainant and robbed a mobile phone. He would submit that now the property was recovered. 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



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considering the fact that the investigation almost completed and the fact that the property was recovered 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:

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, for a like sum to the satisfaction of the **learned Judicial Magistrate-III, Coimbatore**, 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 stay at Tiruvannamalai District and report before the Town Police Station, Tiruvannamalai daily at 10.30 a.m. for the period of three months;

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

(d) the petitioner shall not abscond either during



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investigation or trial;

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

(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.

13.02.2023

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To

1. The Judicial Magistrate-III, Coimbatore.
2. Inspector of Police, E-1 Singanallur Police Station, Coimbatore Dt.
3. The Superintendent of Prison, Central Prison, Coimbatore.
4. The Public Prosecutor, High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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