IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

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

Crl.O.P.No.5205 of 2023

Sankar Ganesh @ Thalapathy Sankar ... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Auroville Police Station,
Villupuram.

(Crime No.21 of 2023). ... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., pleased to enlarge the petitioner on bail, in connection with the Crime No.21 of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.D.Prasanna

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 24.01.2023, for the offences punishable under Sections 341, 506(ii), 392, 397 of IPC, in Crime No.21 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is on 24.01.2023, at about 8.00 a.m., when the *de-facto* complainant was proceeding in his two wheeler, the accused has waylaid him and snatched a sum of Rs.1000/- from him at knife point and when the other motorists attempted to catch the accused, by brandishing knife and by threatening them, he escaped from the scene of occurrence. Hence the case.

3. Learned Counsel for the petitioner submitted that this is the second application for bail filed by the petitioner and this Court, had earlier dismissed his bail application in Crl.O.P.No.3188 of 2023 dated 10.02.2023. He further submitted that since the petitioner has got some previous cases, the respondent has summoned him to the police station and since the

petitioner did not appear before them, a false case has been registered against him. He also submitted that very reading of the First Information Report will show that it is a foisted case, registered only in order to detain the petitioner under Act 14. He further submitted that the petitioner is in custody from 24.01.2023 and he is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner had waylaid the *de-facto* complainant and snatched a sum of Rs.1000/- at knife point. He further submitted that two previous cases are pending against him and this is his second application for bail. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and taking note of the period of incarceration undergone by the petitioner, this Court is inclined

to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** with **two sureties (**out of which one surety should be a blood related surety and should produce document to show his/her means)**,** each for a like sum to the satisfaction of the **learned Judicial Magistrate, Vanur, Villupuram,** 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 report before the respondent Police, everyday at 10.30a.m. and 6.30p.m., 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.

13.03.2023

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To

1. The Judicial Magistrate,
   Vanur, Villupuram.

2. The Inspector of Police,
   Auroville Police Station,
   Villupuram District.

3. The Central Prison,
   Cuddalore.

4. The Public Prosecutor,
   High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.

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