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CrI.O.P.No.5286 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

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

CrI.O.P.No.5286 of 2023

Suriya

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Needamangalam Police Station,
Tiruvarur.

(Crime No.2 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner/accused on bail, in connection with the

Crime No.2 of 2023, pending investigation on the file of the respondent

Police.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.01.2023 for the offences punishable under Sections 341, 294(b), 397, 392, 506(ii) of IPC r/w Section 25(1B)(b) of Arms Act, in Crime No.2 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Nethaji, who is a painter by profession, is that on 02.03.2023, he was engaged by one Painganadu Vijayakumar from Valarum Thamizhaga Katchi to write advertisement on Needamangalam area wall. While he was returning to home around 5 p.m., after inspecting the wall, two persons from two different cars claiming themselves as familiar rowdy from Tirunelveli named Sathiyababu and Suriya, had robbed a sum of Rs.1000/- from him at knife point and fled away from the scene of occurrence. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false case has been registered against him on account of political animosity. He further submitted that the petitioner is the resident of Tirunelveli and several cases are pending against him in



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Tirunelveli District, whereas, in order to keep him in continued detention, the respondent Police has foisted this case through a painter. He further submitted that the petitioner has no bad antecedents of committing any robbery and only out of political dispute, the petitioner and another person named Sathiyababu were arrested. He further submitted that the said Sathiyababu has also been detained under Act 14. He further submitted that the petitioner is in custody from 03.01.2023, hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner along with yet another accused named Sathiyababu had robbed a sum of Rs.1000/- from the defacto complainant and fled away from the scene of occurrence. He further submitted that the petitioner, who belongs to a particular community, has got 7 previous cases registered by the Thatchanallur Police in Tirunelveli District. He also submitted that A1 has been detained under Act 14. Therefore, he opposed to grant bail to the petitioner.



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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 and the submissions made by the learned counsel and also considering 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.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Needamangalam** 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 10.30 a.m and 5.30 p.m., until further orders;

[c] the petitioner shall not abscond either during



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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.

07.03.2023

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To

1. The District Munsif cum Judicial Magistrate,
Needamangalam.
2. The Inspector of Police,
Needamangalam Police Station,
Tiruvarur.
3. The Central Prison, Trichy.
4. The Public Prosecutor, High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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