



Crl.O.P.No.7226 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM

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

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Vannish @ Vanniyaraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
C-3 Sai Baba Colony Police Station,
Coimbatore City.

(Crime No.458 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with a case in
P.R.C.No.13 of 2023, pending on the file of the Judicial Magistrate No.VII,
Coimbatore.

For Petitioner : Mr.M.Subash

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 20.10.2022 for the offences punishable under Sections 397 and 506(ii) of IPC in Crime No.458 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Ponnarasan is that the accused have waylaid the de-facto complainant and his friends and robbed their mobile phone at knife point and they have also threatened them with dire consequences. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he has got some previous cases. He also submitted that only in order to keep the petitioner in continued detention or to detain him under Act 14, the respondent has registered a false case against them. He further submitted that very reading of the First Information Report would go to show that it is only a ground case registered for the purpose of detaining the



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petitioner under Act 14. He also submitted that investigation has been completed in this case and the case is pending committal on the file of the learned Judicial Magistrate No.VII, Coimbatore in P.R.C.No.13 of 2023. He further submitted that the petitioner was arrested on 20.10.2022 and he is in custody for more than 4 months, hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with other accused has waylaid the de-facto complainant and his friends and robbed their mobile phones at knife point and threatened them with dire consequences. He also submitted that investigation has been completed and the final report has also been filed in P.R.C.No.13 of 2023, pending committal on the file of the learned Judicial Magistrate No.VII, Coimbatore. He also submitted that as far as this petitioner is concerned, he is a habitual offender, against whom, five previous cases are pending. Hence, he vehemently opposed for grant of bail to the petitioner.



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5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the fact that the charge sheet has been filed and it is taken up on the file of the learned Judicial Magistrate No.VII, Coimbatore 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.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties** (out of which, one shall be a blood related surety, who should produce document to show his/her means), for a like sum to the satisfaction of the **learned Judicial Magistrate No.VII, Coimbatore**, and on further conditions that:



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[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 appear before the learned Judicial Magistrate No.VII, Coimbatore, on all working days at 10.30 a.m., and before the respondent everyday at 6.30 p.m., until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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.

31.03.2023

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To

1. The Judicial Magistrate No.VII,
Coimbatore.
2. The Inspector of Police,
C-3 Sai Baba Colony Police Station,
Coimbatore city.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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