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Crl.O.P.No.8879 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

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

Crl.O.P.No.8879 of 2023

Gowri Shankar

... Petitioner

Vs.

The State Represented by
Inspector of Police,
Karamadai Police Station,
Coimbatore District.
(Crime No.125 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.125 of 2023 pending
investigation on the file of the respondent police.

For Petitioner : Mr.N.Arun Kumar

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 03.03.2023, for the offences punishable under Sections 394 and 397 IPC
in Crime No.125 of 2023 on the file of the respondent police, seeks bail.



2. The case of the prosecution as per the defacto complainant

Somasundaram is that on 02.03.2023 at about 21.15 hours, when the defacto complainant was proceeding on his way, the petitioner along with other accused waylaid him and parted with Rs.1,100/- and a cell phone at knife point. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has got previous cases for the offence under NDPS Act for consuming Ganja and since he was at the place of occurrence during the visit of the respondent police, he has been roped into this case only on suspicion. Other than that, there is no allegation against the petitioner. He also submitted that the petitioner is in Judicial Custody from 03.03.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent vehemently opposed to grant bail to the petitioner stating that there are totally 4 accused in this case and the petitioner is arrayed as A3 and



that the petitioner has got two previous cases for the offence under NDPS Act.

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

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant of 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 Judicial Magistrate No.II, Coimbatore**, 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;



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[b] the petitioner shall report before the respondent police everyday at 07.30 p.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.

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To

1. The Judicial Magistrate No.II,
Coimbatore.
2. The Inspector of Police,
Karamadai Police Station,
Coimbatore District.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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