



CrI.O.P.No.9101 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

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

CrI.O.P.No.9101 of 2023

Ettappan @ R.Praveenraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kannankurichi Police Station,
Salem city.

(Crime No.227 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.227 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.R.Nalliyappan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.04.2023, for the offences punishable under Sections 341, 392, 397 and 506(ii) of IPC, in Crime No.227 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had waylaid the defacto complainant and by threatening him with knife, had robbed an amount of Rs.1400/- from him. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed the offence. He further submitted that the fact remains is that the petitioner is shown as a history sheeted rowdy in the respondent Police Station and he was also earlier detained under Act 14. He further submitted that the very reading of the First Information Report would show that the case has been foisted only for the purpose of keeping the petitioner under fetters. He further submitted that in the complaint itself, the defacto complainant had stated that the petitioner has disclosed his name stating that he is the big rowdy in the area. He also



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submitted that the petitioner is in custody from 07.04.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. He further submitted that the petitioner is prepared to furnish adequate sureties and hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for respondent submitted that the petitioner is a habitual offender and history sheeted rowdy, against whom, nine previous cases are pending. He further submitted as as far as this case is concerned, the petitioner had waylaid the defacto complainant and by threatening him with knife, had robbed an amount of Rs.1400/- from him and also created law and order situation. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking



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note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties** (out of which, one should be the blood surety, who should produce document to show his/her means) each for a like sum to the satisfaction of the **learned Judicial Magistrate No.IV, Salem**, 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 9.00 a.m and 7.00 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



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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.

26.04.2023

vk

To

1. The Judicial Magistrate No.IV,
Salem.
2. The Inspector of Police,
Kannankurichi Police Station,
Salem city.
3. The Central Jail,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

vkr

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