



WEB COPY



Crl.OP.No.10083 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.10083 of 2023

Sankar @ Shankar

..Petitioner

Vs.

The State Represented by
The Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal District.
(Crime No.94 of 2023)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.94 of 2023 pending investigation on the file of the respondent police.

For Petitioner	: Mr.C.S.Saravanan
For Respondent	: Mr.A.Damodaran
	Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.04.2023 for the offence punishable under Sections 387 and 506(ii) of IPC, in Crime No.94 of 2023 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that, petitioner alleged to have robbed a sum of Rs.2,230 from the defacto complainant and thereby threatened him with dire consequence. Hence, the present case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and he is no way connected with the offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that, apart from this case, there are five previous cases pending against him. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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6. Accordingly, **the petitioner shall pay a sum of Rs.2,500/- (Rupees Two Thousand Five Hundred only), directly to the defacto complainant.** On such production of acknowledgement for the same, 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, Tiruchengode 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 daily at 10.30 a.m., and 05.00 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 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]**.



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WEB COPY [f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

05.05.2023

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To

1. Judicial Magistrate, Tiruchengode
2. The Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal District.
3. The Central Prison-II,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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