



Crl.OP.No.10229 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.10229 of 2023

P.Kandhasamy

..Petitioner

Vs.

The State Represented by
The Inspector of Police,
Veeranam Police Station,
Salem District.

(Crime No.111 of 2023)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to grant bail to the petitioner pending investigation in Crime No.111 of
2023 on the file of the respondent Police.

For Petitioner : Mr.R.Suryaprakash

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on
31.03.2023 for the offence punishable under Sections 392 r/w 397 of IPC, in
Crime No.111 of 2023 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner waylaid the defacto complainant by showing a knife and demanded money, when the defacto complainant refused to do so, the petitioner threatened the defacto complainant and forcibly taken Rs.600/- from the shirt pocket. 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 the petitioner waylaid the defacto complainant by showing a knife and demanded money, when the defacto complainant refused to do so, the petitioner threatened the defacto complainant and forcibly taken Rs.600/- from the shirt pocket. He also submitted that the petitioner is having 4 previous cases pending against him. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the above facts and circumstances of the case, and also considering the period of incarceration undergone by the petitioner from 31.03.2023, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, **the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand 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 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 stay at Thiyyagadurgam and report before the Inspector of Police, Thiyyagadurgam Police Station, Kallakurichi District, daily at 10.30 a.m, and 05.00 p.m, for a period of four weeks and thereafter 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.



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

05.05.2023

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To

1. The Judicial Magistrate No.IV, Salem.

2. The Inspector of Police,
Veeranam Police Station,
Salem District.

3. The Inspector of Police,
Thiyagadurgam Police Station,
Kallakurichi District.

4. The Central Prison,
Salem.

5. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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