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CrI.O.P.No.11344 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

CrI.O.P.No.11344 of 2023

Gopi

... Petitioner

Vs.

State rep by its,
The Inspector of Police,
Nangavalli Police Station,
Salem District.
(Crime No.73 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.73 of 2023, on the file
of the respondent police.

For Petitioner : Mr.M.Senthilkumar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 29.03.2023, in connection with Crime No.73 of 2023 registered for the



Crl.O.P.No.11344 of 2023

offence punishable under Section 392 of IPC, seeks bail.

2.The case of the prosecution as per the defacto complainant is that the petitioner had waylaid the defacto complainant and robbed a sum of Rs.500/- from the defacto complainant. Hence, the complaint.

3.Learned counsel for the petitioner submitted that the petitioner is an innocent person and due to previous enmity he has been falsely implicated in this case. He further submitted that there is no specific overt act attributed as against the petitioner. He further submitted that the petitioner is no way connected with the alleged offence and he is in judicial custody for the past 45 days. Hence, he prayed for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner had waylaid the defacto complainant and robbed a sum of Rs.500/- from the defacto complainant. He further submitted that the petitioner has one previous case pending against him. However, he opposed for grant of bail to the petitioner.



Crl.O.P.No.11344 of 2023

WEB COPY

5.Considering the 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.

6. 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.1, Mettur, Salem District**, 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 for weekly once i.e, on every Saturday at 10.30 a.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



WEB COPY



CrI.O.P.No.11344 of 2023

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.

18.05.2023

drl

To

1. The Judicial Magistrate No.1,
Mettur, Salem District.
2. The Inspector of Police,
Nangavalli Police Station,
Salem District.
3. The Superintendent, Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.11344 of 2023

A.A.NAKKIRAN, J.

drl

Crl.O.P.No.11344 of 2023

18.05.2023