



Crl.O.P.No.11266 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

Crl.O.P.No.11266 of 2023

1.Sathishkumar

2.Nirmalkumar

... Petitioners

Vs.

State represented by,
The Inspector of Police,
Ammamet Police Station,
Salem.
(Crime No.109 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail, in Crime No.109 of 2023, on the
file of the respondent police.

For Petitioners : Mr.J.Franklin

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial



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custody on 23.03.2023, in connection with Crime No.109 of 2023 registered for the offence punishable under Sections 341, 392, 397 & 506(ii) of IPC, seek bail.

2.The case of the prosecution, as per the defacto complainant, is that on 22.03.2023 at about 8.30 p.m, the petitioners along with another accused came by two wheelers and waylaid the defacto complainant and snatched a sum of Rs.5,000/- and cell phone at knife point and also threatened her with dire consequences. Hence, the case.

3.Learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the co-accused was released on bail in Crl.MP.No.1169 of 2023 before the learned Principal Sessions Judge, Salem. He further submitted that the petitioners are no way connected with the alleged offence and he is in judicial custody for the past 50 days. Hence, he prayed for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the



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respondent submitted that there are four accused in this case and the petitioner herein is arrayed as A3 and A4. He further submits that the petitioners along with another accused came by two wheelers and waylaid the defacto complainant and snatched a sum of Rs.5,000/- and cell phone at knife point. He further submitted that the investigation has been completed and the charge sheet has also been filed. However, he opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in incarceration for the past 50 days and the investigation has been completed and the charge sheet has also been filed and also the co-accused was released on bail, 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.V, Salem**, and on further conditions that:



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[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., 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.

17.05.2023

drl



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To

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



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A.A.NAKKIRAN, J.

drl

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