



WEB COPY



CrI.OP.No.11493 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HONOURABLE Mr.JUSTICE A.A.NAKKIRAN

CrI.OP.No.11493 of 2023

1. Lallu @ Lalluprasad
S/o. Late. Sekar

2. Vijai @ Vellaiyan
S/o. Ramar

... Petitioners

Vs.

State rep. By
The Inspector of Police,
Karumalaikoodal Police Station,
Mettur Taluk, Salem District.
Crime No.51 of 2023

... Respondent

Prayer:- Criminal Original Petition has been filed under Section 439 of Cr.P.C to enlarge the petitioners on bail in Crime No.51 of 2023 on the file of the Inspector of Police, Karumalaikoodal Police Station, Mettur Taluk, Salem District.

For Petitioners : Mr.M.Senthilkumar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



Crl.OP.No.11493 of 2023

ORDER

WEB COPY

The petitioners, who were arrested and remanded to judicial custody on 20.02.2023, in connection with Crime No.51 of 2023 registered for the offence punishable under Sections 294(b), 506(ii), 392 and 397 of IPC, seek bail.

2. The case of the prosecution is that on 19.02.2023 at 08.00 P.M., the petitioners, along with others, went to the de-facto complainant's house and they used filthy language and snatched a sum of Rs.1,000/- from the de-facto complainant. Hence, the complaint.

3. Learned counsel for the petitioners submitted that the petitioners are innocent and have been falsely roped into this case. He further submitted that the petitioners are no way connected with the alleged offences and they are in judicial custody from 20.02.2023. He also submitted that the petitioners are ready and willing to furnish solvent sureties and to abide by any stringent conditions that may be imposed on them. Hence, he prayed for grant of bail to the petitioners.



Crl.OP.No.11493 of 2023

WEB COPY 4. Learned Additional Public Prosecutor appearing for the respondent submitted that there are totally three accused in this case and the petitioners are arrayed as A1 and A2. He further submitted that there are 29 cases pending against the first petitioner and 7 cases as against the second petitioner. Hence, he strongly opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, the submissions made by learned counsel on either side and also considering the period of incarceration undergone by the petitioners and also taking note of the fact that the de-facto complainant has been examined, 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 condition that the petitioners execute a separate 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.II, Mettur, Salem District**, and on further conditions that:



Crl.OP.No.11493 of 2023

[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 petitioners shall report before the respondent Police at 10.30 a.m. weekly once, until further orders, without fail;

[c] The petitioners shall deposit a sum of Rs.10,000/- each to the Government Rehabilitation Home for Leprosy Cured, Deviyakurichi, Salem District, having A/c.No.542231612, IFSC Code: IDIB000T002, Indian Bank, Thalaivasal Branch.

[d] the petitioners shall not abscond either during investigation or trial;

[e] the petitioners shall not tamper with the evidence or witnesses either during investigation or trial;

[f] on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law, as if the conditions have been imposed and the petitioners are released on bail by the learned Magistrate/Trial Court, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];***



WEB COPY



Crl.OP.No.11493 of 2023

[g] if the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

18.05.2023

hvk/sni

To

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



WEB COPY



Crl.OP.No.11493 of 2023

A.A.NAKKIRAN, J.

hvk

Crl.OP.No.11493 of 2023

18.05.2023