



Crl.OP.No.11757 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.11757 of 2023

1.Ramesh

2.Yarab

... Petitioners

Vs.

State rep. by,
The Inspector of Police,
Kannankurichi Police Station,
Salem District.

(Crime No.274 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.274 of 2023, on the

file of the Respondent Police.

For Petitioners : Mr.W.Camyles Gandhi

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)



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ORDER

The Petitioners/A1 & A2, who were arrested and remanded to judicial custody on 26.04.2023 for the offences punishable under Sections 341, 392, 397 and 506(ii) of I.P.C. in Crime No.274 of 2023 on the file of the Respondent Police, seek bail.

2. The case of the Prosecution is that the *de-facto* Complainant is working as Tamil Teacher in Holy Flower Higher Secondary School, Alagapuram, Salem. On 24.04.2023 at about 07:00 p.m., near Chinnathirupathy Jayaram Public School, when the *de-facto* Complainant was talking with his Ex-student namely Akilesh, the Petitioners came there and demanded money from Akilesh. Akilesh said that he has no money. On seeing the activities of the Petitioners, the *de-facto* Complainant tried to leave that place. But the Petitioners threatened the *de-facto* Complainant at knife point and snatched four sovereigns of gold chain and ½ sovereign of gold ring from him. Hence, the complaint.



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3. The learned Counsel appearing for the Petitioners would submit that the Petitioners are innocent and they have not committed any offence and this case has been foisted against them. Therefore, he prays for grant of bail to the Petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the Respondent would submit that the Petitioners threatened the *de-facto* Complainant and robbed four sovereigns of gold chain and ½ sovereign of gold ring at knife point. He would further submit that, as regards the 1st Petitioners, there is one previous case pending against him and as regards the 2nd Petitioners, there is no previous case. Hence, he vehemently opposed to grant bail to the Petitioners.

5. Heard the learned counsel for the Petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

6. Considering the above facts and circumstances and also



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considering the period of incarceration suffered by the Petitioners, this Court is inclined to grant bail to the Petitioners with certain conditions:

7. Accordingly, the Petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one surety shall be a blood surety, each for a like sum to the satisfaction of the Judicial Magistrate No.IV, Salem at Chennai, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the Petitioners shall stay at Chennai and report before the Inspector of Police, B2 Esplanade Police Station, Chennai daily at 10.00 a.m. and 07:00 p.m., until further orders.

(c) the Petitioners shall not influence, threaten or



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coerce the witness either during investigation or trial;

(d) the Petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g) if the Accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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SATHI KUMAR SUKUMARA KURUP,J.

Jeni/Mpl

To

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

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