



Crl.O.P.No.11920 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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Kumar @ Valathikumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Annathanapatti Police Station,
Salem City.

(Crime No.146 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in P.R.C.No.104 of 2023
pending committal on the file of the Judicial Magistrate No.4, Salem.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.03.2023, in connection with Crime No.146 of 2023, registered for the offences punishable under Sections 392 and 397 of IPC, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner/accused had robbed a sum of Rs.650/- from him at knife point and ran away from the scene of occurrence. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he has got some previous cases. He further submitted that 45 previous cases are pending and he has been acquitted in most of the cases and only in order to keep the petitioner under fetters and also to detain him under Act 14, the respondent has foisted this case as against the petitioner through the de-facto complainant. He further submitted that very reading of the First Information Report would go to show that it is a foisted case. He further reiterated that in FIR itself it is stated by the de-facto complainant that the petitioner declared himself as rowdy and his name is Valathi Kumar.



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He also submitted that the petitioner is in custody from 21.03.2023 and he is also ready to abide by any other stringent conditions that may be imposed by this Court and also submitted that he has a permanent residence. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, who is a habitual offender, had robbed a sum of Rs.650/- from the de-facto complainant at knife point and ran away from the scene of occurrence. He further submitted that investigation in this case has been completed and it has been taken up on the file of the learned Judicial Magistrate No.4, Salem in P.R.C.No.104 of 2023 and also submitted that a sum of Rs.400/- was recovered from the accused. He fairly concedes that out of 45 previous cases registered as against the petitioner, he has been acquitted in 22 cases and he has a permanent residence, however, he vehemently opposed for grant of bail to the petitioner.



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5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner that perusal of the First Information Report would show that the petitioner had declared himself to the de-facto complainant, as rowdy and his name is Valathi Kumar and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, 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 appear before the



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learned Judicial Magistrate No.IV, Salem on all working days at 10.30 a.m., till framing of charges and he shall also report before the respondent Police everyday at 07.30p.m., until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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.

01.06.2023

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To

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



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A.D.JAGADISH CHANDIRA.,J.

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