



Crl.OP.No.12008 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.12008 of 2023

Thamaraikannan @ Pulikutty Poonaikutty

... Petitioner

Vs.

State by:

The Inspector of Police,
Steel Plant Police Station,
Salem.

(Crime No.33 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in Crime No.33 of 2023 pending
investigation on the file of the respondent.

For Petitioner : M/s.S.Sengkodi

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



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Crl.OP.No.12008 of 2023

ORDER

The Petitioner, who was arrested and remanded to judicial custody on 11.02.2023 for the offences punishable under Sections 394, 397 and 506(ii) of I.P.C. in Crime No.33 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the prosecution is that the *de-facto* complainant is running a tea shop. On 10.02.2023 at about 10.00 p.m., the petitioner along with other accused came to the *de-facto* complainant's tea shop at the time of closing of the shop and demanded tea. When the *de-facto* complainant's brother replied that they had closed the shop, the petitioner and other accused persons abused them in filthy language and robbed a sum of Rs.2,000/- from them at knife point. Hence, the complaint.

3. The learned Counsel appearing for the Petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Therefore, he prays for grant of bail to the Petitioner.



Crl.OP.No.12008 of 2023

4. The learned Government Advocate (Crl.side) appearing for the Respondent would submit that the petitioner along with other accused persons abused the *de-facto* complainant and his brother in filthy language and robbed a sum of Rs.2,000/- from them at knife point. He would further submit that there are two previous cases pending against the petitioner. Hence, he vehemently opposed the grant of bail to the petitioner.

5. Heard the learned Counsel for the Petitioner 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 considering the period of incarceration suffered 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 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 learned Judicial Magistrate-I, Salem and



Crl.OP.No.12008 of 2023

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 Petitioner shall stay at Chennai and report before the Inspector of Police, B2 Esplanade Police Station, Chennai daily at 10.00 a.m., until further orders;

(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioner 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



Crl.OP.No.12008 of 2023

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 absconds, a fresh FIR can be registered under Section 229-A IPC.

25.05.2023

Mpl/Jeni

To

1. The Judicial Magistrate -I,
Salem.
- 2.The Inspector of Police,
Steel Plant Police Station,
Salem.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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Crl.OP.No.12008 of 2023

SATHI KUMAR SUKUMARA KURUP,J.

Mpl/Jeni

Crl.O.P.No.12008 of 2023

25.05.2023