



Crl.O.P.No.13933 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

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

Crl.O.P.No.13933 of 2023

Murugesan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vaazhapadi Police Station,
Salem District.

(Crime No.229 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner, in Crime No.229 of 2023, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.T.Arul

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 10.05.2023, for the offence punishable under Sections 171, 419 & 420 of IPC, in connection with Crime No.229 of 2023, registered on the file of the respondent, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Kandasamy is that the accused/petitioner, posing as Police personnel, intercepted the de-facto complainant's two wheeler and demanded a sum of Rs.2000/- from him and cheated him. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner, who is a B.Com graduate, is an innocent person and he has been falsely implicated in this case. He also submitted that there was a quarrel between the petitioner and the de-facto complainant, due to which, the de-facto complainant had given a false complaint against the petitioner. He also submitted that the petitioner is no way connected with the alleged offence and he is in custody from 10.05.2023 and he is ready to abide by any



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stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, posing as Police personnel, intercepted the de-facto complainant's two wheeler and demanded him a sum of Rs.2000/-. He also submitted that investigation in this case is still pending and further submitted that one previous case of similar nature is pending against this petitioner. Hence, he opposed for grant of bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by this petitioner, this Court is inclined to grant bail to the petitioner with certain condition.

7. Accordingly, the petitioner is ordered to be released on bail on



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his executing a bond, for a sum of **Rs.10,000/- (Rupees Ten thousand only)**

with **two sureties (out of which, one should be the blood related surety),**

each for a like sum to the satisfaction of the **learned District Munsif cum**

Judicial Magistrate, Vaazhapadi, 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 report before the respondent Police, everyday 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];***



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

22.06.2023

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To

1. The District Munsif cum Judicial Magistrate,
Vaazhapadi.
2. The Inspector of Police,
Vaazhapadi Police Station,
Salem District.
3. The Sub Jail,
Attur.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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