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CrI.O.P.No.12678 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM

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

CrI.O.P.No.12678 of 2023

Salaman @ Salaman Jenat
S/o Jesudass

... Petitioner

Vs.

The State represented by,
The Sub Inspector of Police,
Perambalur Police Station,

(Crime No.332 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime
No.332 of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.L.P.Maurya

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.05.2023, for the offences punishable under Sections 294(b), 392, 506(2) of IPC in Crime No.332 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant/ Nalla Poovan is that on 13.05.2023, at around 2.30 p.m., a person, aged about 25 years, had come to his hotel and had food and thereafter, refused to pay money and when the defacto complainant demanded him money, the accused has stated that his name is Salaman and that he has got several cases against him and how dare was he to ask money from him. Further, he threatened the defacto complainant and also snatched Rs.1000/- from his pocket. When the defacto complainant had raised alarm, the public had come during which, the accused had also threatened the public and ran away from the scene of occurrence. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, who is aged about 23 years, is an innocent and he has been falsely



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implicated in this case. He further submitted that the petitioner has got two previous cases and he has been granted bail in those cases. He further submitted that the respondent Police had summoned him to the police station and since he did not appeared for enquiry, a false complaint has been registered against him through the defacto complainant. He further submitted that the very reading of the First Information Report, would go to show that the case has been registered only for the purpose of detaining the petitioner under Act 14. He also submitted that the petitioner is in custody from 17.05.2023. 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 is a rowdy element in that area and he has got two previous cases. As far as this case is concerned, the petitioner has gone to the hotel of the defacto complainant and after having food, refused to pay money and when the defacto complainant asked for money, the petitioner has threatened him with dire consequences and also snatched Rs.1000/- from his pocket. Hence, he 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) and perused the materials available on record including the contents of the FIR.

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 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.I, Perambalur**, 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 stay at Trichy and report before the Inspector of Police, Cantonment Police Station, everyday at 10.30 a.m., until further orders;



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[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]*;

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

08.06 .2023

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To

1. The Judicial Magistrate No.I,
Perambalur.
2. The Sub Inspector of Police,
Perambalur Police Station
3. The Sub Jail,
Thuraiyur.



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A.D.JAGADISH CHANDIRA.,J.

vkr

4. The Inspector of Police,
Cantonment Police Station, Trichy.
5. The Public Prosecutor,
High Court of Madras.

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