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Crl.O.P.No.13633 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

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

Crl.O.P.No.13633 of 2023

Dhanasekaran

... Petitioner

Vs.

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

Crime No.190 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.190 of 2023 on the file
of the respondent police.

For Petitioner : Mr.R.Sindhu

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 01.06.2023 for the offences punishable under Section 392 r/w 397 of IPC
in Crime No.190 of 2023 on the file of the respondent police, seek bail.



2. The case of the prosecution is that the petitioner had waylaid the defacto complainant and by threatening him at knife point, had robbed an amount of Rs.500/- from him. 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. He further submitted that the fact remains is that since the petitioner has got two previous cases under 307 IPC and City Police Act, the respondent in order to keep the petitioner under fetters, has registered a false case through the de-facto complainant. He further submitted that the very reading of the FIR would show that it is a fabricated case. He also submitted that the petitioner is in custody from 01.06.2023, hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner has waylaid the defacto complainant and by threatening him at knife point, had robbed an amount of Rs.500/- from him. He further submitted that two previous cases are pending against the petitioner, out of which, one case has been registered for the offence under IPC and another case has been registered for the offence under City Police Act. Hence, he opposed for grant of bail to the petitioner.



5. Heard the learned Counsels and perused the materials available on record including 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 of bail to the petitioner with certain condition.

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 District**, 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 Thirupathur, Vellore District and report before the Inspector of Police, Thirupathur Town Police Station, 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;



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

21.06.2023

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To

1. The Judicial Magistrate No.IV,
Salem.
2. The Inspector of Police
Veeranam Police Station,
Salem District.
3. The Inspector of Police,
Thirupathur Town Police Station,
Vellore.
4. The Central Jail,
Salem.
5. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA,J.,



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