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CrI.O.P.No.13943 of 2023

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**

CrI.O.P.No.13943 of 2023

Shaju

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Chettipalayam Police Station,
Coimbatore District.

(Crime No.373 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner, in Crime No.373 of 2022, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.P.Thinesh

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



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given only on 26.10.2022. He also submitted that the petitioner was formally arrested in this case on 12.05.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. 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 along with other accused had intercepted the de-facto complainant's vehicle and robbed a sum of Rs.5,000/- from him. He also submitted that investigation in this case is still pending and only a sum of Rs.450/- was recovered from the accused. He further submitted that two previous case are pending against this petitioner. Hence, he opposed for grant of bail to the petitioner.

5. In reply, the learned Counsel for the petitioner submitted that in connection with the previous cases registered in Crime Nos.613 of 2022 and 39 of 2023, the petitioner was arrested and he was also granted bail by the lower Court. Therefore, he prayed for grant of bail to the petitioner.



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6. 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.

7. 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.

8. 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 (out of which, one should be the blood related surety)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Madukkarai**, 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;



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[b] the petitioner shall report before the Inspector of Police, Chithode 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;

[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.

22.06.2023

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A.D.JAGADISH CHANDIRA.,J.

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To

1. The Judicial Magistrate,
Madukkarai.
2. The Inspector of Police,
Chettipalayam Police Station,
Coimbatore District.
3. The Central Prison,
Tiruppur.
4. The Inspector of Police,
Chithode Police Station.
5. The Public Prosecutor,
High Court of Madras.

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