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Crl.O.P.No.14073 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM

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

Crl.O.P.No.14073 of 2023

Manoharan

... Petitioner

Vs.

The State rep by,
The Inspector of Police,
Veeranam Police Station
Salem
(Crime No.175 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.175 of 2023, on the file
of the respondent Police.

For Petitioner : Mr.B.Vasudevan

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 25.05.2023, for the offences punishable under **Sections 392 and 397 IPC**, in Crime No.175 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant Mohanraj is that he is a Autodriver. On 25.05.2023, the petitioner waylaid the defacto complainant and by threatening him with knife, had robbed a sum of Rs.600/- 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. The fact remains that the petitioner has got 10 previous cases against him and only to keep the petitioner under continued fetters, a false case has been foisted against the petitioner. A very reading of the FIR would go to show that it is a fabricated case. He would further submit that the petitioner who is aged 24 years, has been languishing in jail from 25.05.2023 and he is ready



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to abide by any stringent conditions as 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 vehemently opposed for grant of bail to the petitioner stating that the petitioner is a habitual offender against whom there are 10 previous cases.

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)**



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with **two sureties**, each for a like sum to the satisfaction of the **learned**

Judicial Magistrate No.IV, Salem, 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 9.00 a.m. and 6.30 p.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.

23.06.2023

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To

1. The Judicial Magistrate No.IV, Salem
2. The Inspector of Police,
Veeranam Police Station
Salem
3. The Central Prison, Salem
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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