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CrI.O.P.No.14544 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM

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

CrI.O.P.No.14544 of 2023

Viswanathan

... Petitioner

Vs.

State rep by
The Inspector of Police
Annadhanapatty Police Station,
Salem city.

Crime No.431 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.431 of 2023 on the file
of the respondent police.

For Petitioner : Mr.S.Senthilvel

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 06.06.2023 for the offences punishable under Sections 392 r/w 397 of IPC
in Crime No.431 of 2023 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the petitioner has waylaid the defacto complainant and robbed a sum of Rs.1,600/- from him at knife point.

Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false case has been cooked up against the petitioner only for the purpose of detaining him under Goonda's Act. He would further submit that admittedly the petitioner has got some previous cases, which were all registered prior to the year 2018 and after 2018, the petitioner has not been involved in any offence. He would also submit that the petitioner is a heart patient and he is in custody from 06.06.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner is a history sheeted rowdy, against whom, there are nine previous cases. He would fairly submit that all the cases against the petitioner have been disposed. As far as this case is concerned, the petitioner has waylaid the defacto complainant and robbed Rs.1,600/- from him at knife point. 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 materials available on record including the FIR.

6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant of 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.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 6.30 p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[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 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.

28.06.2023

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To

1. The Judicial Magistrate No.IV
Salem.
2. The Inspector of Police
Annadhanapatty Police Station,
Salem city.
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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