



CrI.OP.No.15433 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.OP.No.15433 of 2023

IT Palanisamy @ A.Palanisamy

..Petitioner

Vs.

The State Rep. By
The Inspector of Police,
Annadhanapatty Police Station,
Salem District.
Crime No.418 of 2023

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.418 of 2023 on the
file of the respondent police.

For Petitioner : M/s. Sumithra Vasudevan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.06.2023 for the offences punishable under Sections 341, 392 read with Sections 397 and 506(ii) of IPC in Crime No.418 of 2023, on the file of the respondent police seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent and he has been falsely implicated in a case registered for the offence under Sections 341, 392 read with Sections 397 and 506(ii) of IPC. She further submitted that, on the date of the alleged incident, ie., on 04.06.2023 at 07.00.p.m., petitioner was not all present in the scene of crime. At that time, petitioner was at Hotel Lakshmi Prakash, which is 5 km away from the place of crime. In support of this submission, she produced the CCTV footage for perusal of this Court. Petitioner is in Judicial Custody from 05.06.2023. Thus, she seeks bail to the petitioner.

3. In reply learned Government Advocate (Crl. Side) submitted that the video footage produced by the learned counsel for the petitioner is a subject matter for trial.



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4. Considering the nature, facts and circumstances of the case and the submission of the learned counsel for the petitioner that the petitioner was not at all present at the scene of crime and to that effect, CCTV footage was also produced and also the fact that the petitioner is in Judicial Custody from 05.06.2023 and that the material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Court 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 daily 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

17.07.2023

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To

1. Judicial Magistrate No.IV,
Salem.

2. The Inspector of Police,
Annadhanapatty Police Station,
Salem District.

3. Central Prison,
Salem.

4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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