



CrI.OP.No.16804 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

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

CrI.OP.No.16804 of 2023

Thirupathy

...Petitioner

Vs.

The State Rep by its
The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
(Cr.No.269 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail with the Crime No.269 of 2023 on the file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.06.2023 for the offences punishable under Section 341, 392, 397 and 506 (ii) I.P.C. 1860, in Crime No.269 of 2023 on the file of the respondent police, seek bail.



CrI.OP.No.16804 of 2023

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2. When the matter was taken up on 27.07.2023, this Court passed the following order:-

“This Criminal Original Petition is filed to enlarge the petitioner on bail in Crime No.269 of 2023, on the file of the respondent Police.

2It is the submission of the learned counsel for the petitioner that, petitioner is falsely implicated in this case, only to detain him under Gundas Act. Petitioner is innocent. Petitioner is in judicial custody from 18.06.2023.

3.In response, learned Additional Public Prosecutor submitted that, petitioner is a habitual offender. He has three previous case pending against him.

4.Learned Additional Public Prosecutor is directed to produce details of previous case pending against the petitioner.

5.Post the matter on 01.08.2023.”

3. When the matter is taken up today, the learned counsel for the



CrI.OP.No.16804 of 2023

petitioner produced the details of three previous cases pending against the petitioner. From the details given, it is seen that the case in Cr.No.746 of 2012 in STC.No.1439 of 2012 ended in conviction with the imposition of fine. The case in Cr.No.3 of 2014 in C.C.No.387 of 2014 ended in acquittal. The other case in Cr.No.123 of 2023 registered for the offence under Section 506 (ii) I.P.C., petitioner was granted bail on 10.05.2023.

4.Considered the rival submissions and perused the records.

5.Considering the nature of the allegations made against the petitioner in the First Information Report and that he has only one previous case currently pending against him and that he in judicial custody from 18.06.2023, this Court is inclined to grant bail to the petitioner with conditions. No petition to relax the condition imposed on the petitioner should be filed before the expiry of thirty days.

6. 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



CrI.OP.No.16804 of 2023

only) with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate -II, 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 morning at 10.30.a.m., and evening at 5.00 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].

[f] If the accused thereafter absconds, a fresh FIR



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CrI.OP.No.16804 of 2023

can be registered under Section 229A IPC.

01.08.2023

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To

- 1.The Judicial Magistrate-II, Salem
- 2.The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
- 3.Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras



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Crl.OP.No.16804 of 2023

G.CHANDRASEKHARAN. J.

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Crl.OP.No.16804 of 2023



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CrI.OP.No.16804 of 2023

01.08.2023