



Crl.O.P.No.17014 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.17014 of 2023

Elangovan

...Petitioner

Vs.

State Rep. by
The Inspector of Police,
Kondalampatty Police Station,
Salem District.
(Crime No.373 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. 373 of 2023 on the file of the Inspector of Police, Kondalampatty Police Station, Salem District.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.06.2023 for the offence punishable under Sections 341, 395 r/w 397 and 506(ii) IPC in Crime No.373 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as an accused in Crime No.373 of 2023 for the offences punishable under Sections 341, 395 r/w 397 and 506(ii) IPC. Petitioner is innocent. Petitioner is in judicial custody from 16.06.2023. Therefore, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor, submitted that, on 16.06.2023, when defacto complainant was driving in his two wheeler, at 5.00 p.m., a car bearing No.TN 34 1188 came behind him. The car was driven by one Ramesh. and occupants of the car are Santhosh Kumar, Palanisami, Durai @ Duraiyan, Kollapatti Kumar. They have threatened the defacto complainant, at the point of knife and robbed Rs.6,000/- from



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him. He further submitted that, the robbed amount is not recovered in this case. Thus, he prays for dismissal of this petition.

4 . Considering the fact that petitioner has no similar previous case and that petitioner is in judicial custody from 16.06.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner with conditions and the petitioner is ordered to be released on bail on their 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.V, 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., 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 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 can be registered under Section 229A IPC.

11.08.2023

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To



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1.The Judicial Magistrate Court No.V,
Salem.

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

3.The Central Prison,
Salem.

4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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