



Crl.O.P.No.20014 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM

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

Crl.O.P.No.20014 of 2023

Lingaraj

...Petitioner

Vs.

State Represented by,
Inspector of Police,
Kondalampatti Police Station,
Salem City, Salem.
Crime No.626 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.626 of 2023 on the file of the respondent police.

For Petitioner : Mr.L.Ramanathan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.07.2023 for the offences punishable under Sections 392 and 397 IPC in Crime No.626 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated in this case. Petitioner is in Judicial Custody from 25.07.2023. Thus, he seeks bail to the petitioner.

3. In reply, the learned Additional Public Prosecutor submitted that, defacto complainant is the owner of the Pooja Stores. Petitioner is the supplier of tobacco products. On 25.07.2023 at about 08.00.a.m., petitioner visited the defacto complainant's shop in a car bearing Reg.No. TN 90 F 9893 and asked him to buy tobacco products from him. Defacto complainant refused to buy tobacco products. Then the Petitioner asked the defacto complainant to first settle the money due to him. Petitioner



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had scolded him and also taken a sum of Rs.960/- from the shop.

Petitioner also showed knife and made criminal intimidation. He further submitted that, apart from this case, there are nine previous cases pending against the petitioner.

4. Considering the allegations against the petitioner and also having regard to the fact that, petitioner is in Judicial Custody from 25.07.2023 and that material part of the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, 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-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.



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[b] the petitioner shall report before the respondent police twice daily at 10.30.a.m., and 05.30.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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

31.08.2023

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To

- 1.The Judicial Magistrate-V
Salem.
- 2.Central Prison,
Salem.
- 3.The Inspector of Police,
Kondalampatti Police Station,
Salem City, Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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