

Crl.O.P.No.9933 of 2016**P.KALAIYARASAN, J.**

The petitioner, who is arrayed as accused No.9, was arrested on 15.03.2016 and remanded to judicial custody on 16.03.2016 for the alleged offence under Sections 392 of I.P.C. altered to 341, 395, r/w. 397 of IPC, in Crime No.5 of 2016 on the file of the respondent police and hence, seek bail.

2.The case of the prosecution is that the defacto complainant is doing silver business and on the date of occurrence the complainant has given a sum of Rs.24.0 Lakhs to his staffs namely Ameer John @ Baruk and Ramalingam for purchasing silver from Sivasai and Sons (P) Limited, Mettu Agraharam Street, Salem and after purchasing the silver, while they were returning, the petitioner and other accused threw chilly powder on them and taken away the silver weighing of 60.793 kg worth about Rs.22,49,341/-.

3.Heard both sides.

4.The learned counsel for the petitioner submitted that the petitioners are innocent and they have been falsely implicated in this case based on the confession given by the co-accused and would further submit that the alleged recovery of property from the petitioners have been cooked up and the petitioner is having permanent residence and therefore, prays that the petitioner may be enlarged on bail.

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5.Though the learned Additional Public Prosecutor opposes the petition, he concedes the duration of custody and the fact that the petitioner was arrested based on the confession given by the co-accused.

6.Considering the facts and circumstances of the case, duration of the custody, the petitioner is arrested based on the confession given by the co-accused and also the petitioner is having permanent residence, this Court is inclined to enlarge the petitioner on bail with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- [Rupees Ten thousand only] each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Salem and on further condition that the petitioners shall report before the respondent police daily at 10.00 a.m., for a period of one month.

04.05.2016

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