

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.10.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.15849 of 2020

A.Palanisamy

... Petitioner

Vs.

State Rep. by
The Inspector of Police
Thudiyalur Police Station
Coimbatore District
(Crime No.438 of 2019)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.438 of 2019 on the file of the respondent police.

For Petitioner : Mr.N.Chinnaraj

For Respondent : Mr.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 30.07.2020 for the offence punishable under Sections 454, 457, 380 IPC @ Section 380, 414 and 454 IPC, in Crime No.438 of 2019, seeks bail.

2. The case of the prosecution as per the defacto complainant one Raghavendran is that on 25.08.2019, the back door of the defacto complainant's house was found broken open and 56 ½ sovereigns of gold jewels were found missing. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case based on the confession recorded from the other accused. He would further submit that even as per the confession, the petitioner is only stated to have received the stolen articles from the main accused who committed the offence of theft from various houses. He would further submit that one of the main accused in this case has been granted bail by the Sessions Court and the petitioner has been suffering incarceration for more than two months from

30.07.2020. He would further reiterate that the allegation in respect of the petitioner is that he has only received the stolen properties. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would vehemently oppose stating that the petitioner is a habitual offender involved in the offence of receiving stolen properties. He would submit that the other accused committed theft of articles and the petitioner has helped them in the offence by receiving the stolen properties and giving them money. He would further submit that the investigation has been completed and the final report has been filed and the same has been taken on file.

5. Heard the learned Counsels on both sides.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsels and the fact that the investigation is completed and final report has been filed and the same has been taken on file on the file of the learned Judicial Magistrate-I, Coimbatore, this Court is inclined to grant bail to the petitioner subject to the following conditions;

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Coimbatore, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the Judicial Magistrate-I, Coimbatore, on all working days at 10.30 a.m. and also report before the respondent police everyday at 5.30 p.m. until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
16/10/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
THUDIYALUR POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S.N.CHINNARAJ Advocate on payment of necessary charges
SR.No.6994

WEB COPY

CRL OP.15849/2020

Date :16/10/2020

cs 19/10/2020