



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.17625 of 2021

Sargunam @ Sargunam

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
Palladam Police Station,
(Crime No.1575 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with in Crime No.1575 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.R. Balachandran

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 30.08.2021 and remanded to judicial custody for the offences under Section 147,341,365 of I.P.C altered to 147,341,365 and 120B of I.P.C in Crime No.1575 of 2021 on the file of the respondent police, seeks bail.

2. Totally there are 12 accused in this case and the petitioner herein arrayed as A5. The case of the prosecution as per the defacto complainant is that when she was travelling in a car one Sakthi who is a tenant was accompanying the defacto complainant as driver and at that time A1,A2,A6 and A7 way laid and stopped the car. Thereafter it came to light that the petitioner and other accused had entered into a criminal conspiracy and involved in the act of smuggling gold biscuits and there was some misunderstanding between them. It is alleged that the said Sakthi cheated one Good luck Rajendran and A1 and A2, hence the accused person waylaid the car. Hence the law enforcing agency registered a case against the petitioner.



3. The learned counsel for the petitioner submitted that the petitioner is arrayed as A5 and the main accused is A1. He further submits that A1 and A2 are the main accused in this case and only based on the confession statement given by A1 and A2, the petitioner has been implicated in this case. He also submits that the petitioner is in no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 30.08.2021 . Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that the petitioner and other co-accused persons entered into the criminal conspiracy and involved in the act of smuggling gold biscuits . He further submits that there is no previous case pending against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts of the case and there being no previous case pending against the petitioner and also taking note of the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

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 only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate at palladam, Thiruppur District and on further condition 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 at 10.30 a.m. until further orders;

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

(d) the petitioner shall not abscond 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]; and;



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

WEB COPY

-sd/-

29/09/2021

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,
PALLADAM, TIRUPPUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

+1 CC to M/S.R.BALACHANDERAN Advocate on payment of necessary charges SR.No.10727

CRL OP.17625/2021

Date :29/09/2021

APN 29/09/2021