



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.20617 of 2021

D.Ganesan

... Petitioner

Vs.

State rep by
Inspector of Police,
Thiruvarur Town Police Station,
Thiruvarur District.
(Crime No.927 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 Crime No.927 of 2021 pending on the file of the respondent.

For Petitioner : Mr.P.Muthamizhselvakumar

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 31.08.2021 for the offences punishable under Sections 392, 34 of IPC 1860 in Crime No.927 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and his wife had robbed the jewels from the defacto complainant's shop. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is not involved in the offence and he has been falsely implicated. He further submits that he is in jail from 31.08.2021. He further submits the the petitioner's earlier application was dismissed on the ground that A1 was not enlarged on bail. Now the change of circumstance is that the A1 has been enlarged on bail by the trial court. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the stolen property has been recovered. He further submitted that the earlier offence as stated by the prosecution is not similar in nature ie., prohibited offence. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the fact that the stolen property has been recovered and the co-accused was already enlarged on bail and also considering 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 Court, Thiruvarur, 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/-

01/11/2021

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,
TIRUVARUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THIRUVARUR TOWN POLICE STATION,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE
DISTRICT PRISON, NAGAPATTINAM

CC to M/S. P.MUTHAMIZHSELVAKUMAR Advocate on payment of necessary charges

CRL OP.20617/2021

Date :01/11/2021

APN 08/11/2021