



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

WEB COPY

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21798 of 2021

Periyasamy

...Petitioner

Vs.

The State rep by
The Inspector of Police,
Mecheri Police Station,
Salem District.
Crime No.572 of 2021.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.572 of 2021 on the file of the respondent Police.

For petitioner : Mr.C.Deepak Kumar

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 27.10.2021 for the offence under **Section 379 of IPC and Section 41 (1) (a) and 102 of Cr.P.C.**, in Crime No.572 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 27.10.2021 at about 4.00 a.m, the petitioner along with other accused stolen the calf (Cow) of the defacto complainant in a Maruthi Omni Car. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has been suffering incarceration for more than 20 days from 27.10.2021. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate raised formal objection and would submit that there is no previous case against the petitioner and the property has been recovered and that the investigation is almost completed.

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5. Considering the fact that there is no previous case against the petitioner and the stolen property has been recovered and that the investigation is almost completed and also considering the period of incarceration undergone 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-II, Mettur**, 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;

(b) the petitioner shall report before the respondent police every Saturday at 10.30 a.m. until further orders.

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

(d) the petitioner shall not abscond during 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.

-sd/-

19/11/2021

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.



1 THE JUDICIAL MAGISTRATE,
NO.II, METTUR, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MECHERI POLICE STATION,
SALEM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

CC to M/S.C.DEEPAK KUMAR Advocate on payment of necessary
charges

CRL OP.21798/2021

Date :19/11/2021

TA-22/11/2021