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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2021

CORAM:

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

CrI.O.P.No.22789 of 2021

Saravanan

...Petitioner

Vs.

The State of Tamilnadu  
rep by Inspector of Police,  
Omalur Police Station,  
Salem District,  
Crime No.808 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.808 of 2021 pending on the file of Omalur Police Station.

For Petitioner : M/s.M.Devaraj

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 03.11.2021 for the offences under Sections 406, 419, 417, 420, 170 and 395 of IPC, in Crime No.808 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that the de facto complainant got acquaintance with the 1<sup>st</sup> and 2<sup>nd</sup> accused to purchase gold coins in low price. While so, on 01.11.2021 the de facto complainant was waiting with cash of Rs.15,00,000/- to buy gold jewels. At that time, A1, A2, A5 and A6 came in a car and bike and while they were dealing, the petitioner (A3) and A4 came in another bike pretending as Inspector of Police and Sub Inspector and shouted that they were doing illegal business and robbed Rs.15,00,000/- from the defacto complainant and fled away. Hence the complaint.



3. The learned Counsel for the petitioner submitted that the petitioner is a Sub Inspector of Police and he has been unnecessarily roped in this case and that he has been suffering incarceration for more than 25 days from 01.11.2021. He would further submit that the property has been recovered. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection but admits that co-accused have been granted bail and the stolen amount Rs.15,00,000/- has been recovered and that the investigation is almost completed.

5. Considering the above facts that the stolen amount has been recovered and co-accused have been granted bail 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, Omalur 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 as and when required.

(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.

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-sd/-  
30/11/2021

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,  
OMALUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
SALEM DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
OMALUR POLICE STATION,  
SALEM DISTRICT.

4 THE SUPERINTENDENT,  
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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

CRL OP.22789/2021

Date :30/11/2021

CSK 01/12/2021