

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM:

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

Cr1.O.P.No.24337 of 2021

UDHAYASANKAR

..Petitioner

Vs.

STATE; rep. By
The 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 pending investigation in Crime No.808 of 2021 on the file of the respondent police.

For petitioner : Mr.B.Vasudevan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 01.11.2021 for the offences under **Sections 406, 417, 419, 420, 170, 395 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 defacto complainant is the resident of Thiruvannamalai and he is a Gold Smith. The 1st petitioner and the defcato complainant are known to each other. While so, the petitioner along with two other accused, swindled a sum of Rs.15 lakhs from the defacto complainant under the guise of giving gold in less price of Rs.300/- per gram. Hence, the complaint.

3. The learned counsel for the petitioner would submit that due to money transaction with regard to purchase of gold articles, there was a dispute between the parties due to which, the petitioner has been falsely implicated in this case. He would further submit that the co-accused have already been released on bail in CrI.O.P.No.21703 of 2021 dated 19.11.2021 and CrI.O.P.No.22799 of 2021 and that the petitioner has been suffering incarceration for about 40 days from 01.11.2021. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (CrI. Side) raised objection stating that the petitioner is arrayed as A4. He posed himself as a Police and robbed a sum of Rs.15 lakhs from the defacto complainant along with other accused but admits that co-accused/A1, A2, A5 and A6 have released on bail and the investigation is almost completed.

5. Considering the fact that co-accused have been released on bail and 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 are ordered to be released on bail on their executing separate bonds 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 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.

-sd/-
15/12/2021

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, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S. B.VASUDEVAN Advocate on payment of necessary charges SR.NO.14214

CRL OP.24337/2021

Date :15/12/2021

TA-15/12/2021