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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2021

CORAM:

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

Cr1.O.P.No.23934 of 2021

Arunkumar

.. Petitioner

Vs.

State rep. By

...Respondent

The Inspector of Police
Brammadesam Police Station,
Villupuram District.
Crime No.328 of 2021.

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.328 of 2021 pending on the file of the respondent.

For Petitioner : Mr.M.Machavatharan

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 21.10.2021 for the offences under **Sections 395, 397 of IPC**, in Crime No.328 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 15.09.2021 the defacto complainant and his company officials were proceeding to Sathamangalam Village in order to see the agriculture land which is cultivated by the owner of the company and when their car was nearing Perumukal bus stand, 6 persons in 3 two wheelers came in a rash manner and stopped the vehicle of the defacto complainant. Thereafter, broke the drive side window glass and by showing knife, snatched a sum of Rs.30 lakhs kept in 3 bags and a cell phone and escaped from the place of occurrence. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and the co-accused has been released on bail by this Court in Crl.O.P.No.21020 of 2021 dated 09.11.2021 and that the petitioner has been suffering incarceration for more than 45 days from 21.10.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that there are totally 11 accused in this case and the petitioner is arrayed as A11. The petitioner along with other accused waylaid the defacto complainant and his colleagues and snatched a sum of Rs.30 lakhs belongs to the owner of their company. He would further submit that a sum of Rs.19,40,000/- lakhs has been recovered and the remaining amount is yet to be recover and the investigation is almost completed.

5. Considering the period of incarceration undergone by the petitioner and the fact that the co-accused has been released on bail and that the investigation is almost completed, 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, Tindivanam**, 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/-
10/12/2021

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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,
NO.II, TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BRAMMADESAN POLICE STATION,
VILLUPURAM DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, TINDIVANAM.

+1 CC to M/S.M. MACHAVATHARAN Advocate on payment of necessary charges SR.NO.14498

CRL OP.23934/2021

Date :10/12/2021

TA-10/12/2021