



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2021

CORAM:

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

Crl.O.P.No.24029 of 2021

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...Petitioner

Vs.

State rep. by its
The Inspector of Police
Jedarpalayam Police Station
Namakkal District
(Crime No.352 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.352 of 2021 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

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

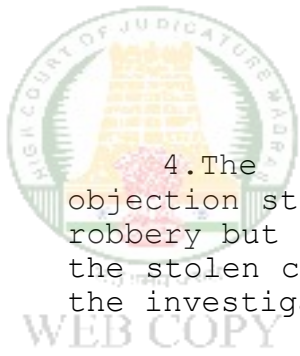
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 15.11.2021 for the offences under Sections 392 and 397 of IPC, in Crime No.352 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.11.2021, when the defacto complainant had gone to his Agricultural land, some unknown persons entered into the house of the defacto complainant and tied the mother of the defacto complainant and robbed a gold ring weighing $\frac{3}{4}$ sovereign and a watch and cash of Rs.5,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a college student studying B.Sc. Physics in Hindusthan College of Arts and Science, Coimbatore, and he is no way connected with the alleged offence and he has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for more than 35 days from 15.11.2021. However, on instructions, he would submit that the petitioner is ready and willing to pay a sum of Rs.10,000/- without prejudice to his rights and contentions, to any Charitable Institute as may be directed by this Court and he would pray for grant of bail to the petitioner.



4.The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner is also involved in the alleged robbery but admits that the stolen articles were recovered but out of the stolen cash of Rs.5,000/-, only Rs.3,000/- has been recovered and the investigation is almost completed.

5.Since the petitioner is a college student, this Court is of the opinion that if the petitioner is released on bail there would not be any possibility of the petitioner getting abscond. Further, part of the stolen property has been recovered and the investigation is almost completed. Considering the above facts and the submissions of the learned Counsel for the petitioner and also 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, Paramathi, and on further conditions that:

(a) the petitioner shall make non-refundable deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) through demand draft to the Registered Advocates Clerks Association, Namakkal, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(b)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;

(c) the petitioner shall report before the respondent police on every Sunday at 10.30 a.m., until further orders.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
21/12/2021

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,
PARAMATHI

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
JEDARPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

6 THE REGISTERED ADVOCATE
CLERKS ASSOCIATION, NAMAKKAL

CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges Sr.15234

CRL OP.24029/2021

Date :21/12/2021

RVR 21/12/2021