



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM:

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

Crl.O.P.No.25217 of 2021

Shankarappa

... Petitioner

Vs.

State rep. by its
The Inspector of Police,
Berigai Police Station
Krishnagiri District
(Crime No.118 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 on the file of this Court in Crime No.118 of 2021 on the file of the respondent police.

For Petitioner : M/s.S.Varanesh

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 22.10.2021 for the offence under Section 392 @ 397 IPC in Crime No.118 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that accused robbed a sum of Rs.2,27,270/- from defacto complainant at Knife point and ran away from the place of occurrence. Hence this case.

3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that A1 to A3 have been released on bail and that the petitioner has been suffering incarceration for more than 60 days from 22.10.2021. Hence, would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner along with other accused robbed a sum of Rs.2,27,270/- from defacto complainant at Knife point and the stolen amount has not been fully recovered but admits that the co-accused have been granted bail and the investigation is almost completed and there is no previous case against the petitioner.

5. Considering the facts and circumstances of the case and the fact that the investigation is almost completed and co-accused have been released on bail and that there is no previous case against the petitioner 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 directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand Only) to the credit of Crime No.118 of 2021 and on such deposit, 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-I, Hosur, and on further conditions that:

(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 Wednesday at 10.30 a.m. until further orders.

(d) The defacto complainant is permitted to withdraw the deposit amount of Rs.30,000/- (Rupees Thirty Thousand Only) on proper identification and acknowledgment.

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

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

(g) 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;



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

-sd/-
22/12/2021

WEB COPY

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.I, HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
BERIGAI POLICE STATION,
KRISHNAGIRI DISTRICT

4 THE OFFICER INCHARGE,
SUB JAIL, DHARMAPURI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.25217/2021

Date :22/12/2021

JPA 23/12/2021