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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Crl.O.P.Nos.740 and 741 of 2022

1. Duraisamy
2. Jayaprakash ... Petitioners in Crl.O.P.No.740 of 2022
R.Bharathi ... Petitioner in Crl.O.P.No.741 of 2022

Vs.

State rep. by Inspector of Police,
Thalavadi Police Station.
Crime No.175 of 2021. ... Respondent in both Crl.OPs.

COMMON PRAYER: Criminal Original Petitions have been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail concerned in Crime No.175 of 2021 on the file of the respondent police, Thalavadi Police Station.

For Petitioners in both Crl.O.Ps. : Mr.K.Karthikeyan

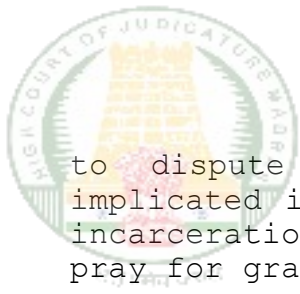
For Respondent in both Crl.O.Ps. : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

COMMON ORDER

The petitioners who were arrested and remanded to judicial custody on 21.12.2021 for the offence under Section 397 of IPC, in Crime No.175 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that defacto complainant is a aged person and he is living with his wife. On the date of occurrence at about 11 p.m., two persons entered into the house of the defacto complainant and tied them using clothes and stolen 4½ sovereigns of gold jewels and cash of Rs.50,000/-. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are no way connected with the alleged offence. A1 has taken lease of the defacto complainant's land for cultivating and due



to dispute over the same, the petitioners have been falsely implicated in this case and that the petitioners have been suffering incarceration for more than 20 days from 21.12.2021. Hence, he would pray for grant of bail to the petitioners.

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4. The learned Government Advocate (Crl. Side) would raise strong objection stating that there are totally 3 accused in this case and all the three have been arrested and remanded to judicial custody. The petitioner in Crl.O.P.No.741 of 2022 is arrayed as A1. The petitioners in Crl.O.P.No.740 of 2022 are arrayed as A2 and A3 and they are the friends A1 and due to land dispute, the occurrence had happened but admits that the stolen jewel has been recovered and out of the stolen amount of Rs.50,000/-, a sum of Rs.14,000/- has been recovered but admits that the investigation is almost completed.

5. Considering the above facts and circumstances of the case and part of the stolen property has been recovered and the investigation is almost completed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bonds for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) each of the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Sathyamangalam, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioners shall appear before the respondent police on every Tuesday and Saturday at 10.30 a.m., until further orders.

(e) the petitioners shall not commit any offences of similar nature;

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

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;



(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

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

-sd/-

12/01/2022

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,
SATHYAMANGALAM, ERODE DISTRICT.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE INSPECTOR OF POLICE,
THALAVADI POLICE STATION,
ERODE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.K.KARTHIKEYAN Advocate on payment of necessary charges SR.NO.591 & 592

CRL OP.NOs.740 & 741/2022

Date :12/01/2022

RW 19/01/2022