



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

WEB COPY

CORAM:

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

Crl.O.P.No.1482 of 2022

Sivakumar

..Petitioner

Vs.

State Rep by
The Inspector of Police
Gangavalli Police Station,
Salem District.
(Crime No.232 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.232 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Senthil Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.12.2021 for the offences under Sections 294(b), 506(ii), 457, 380 and 436 of IPC in Crime No.232 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant has purchased the agricultural property from the petitioner's uncle and as such there was an enmity the petitioner and the defacto complainant and leading to which on 01.09.2021, the petitioner had taken away the 19 sovereigns of gold and cash of Rs.1,00,000/- from the defacto complainant's house and also set fire on his house. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. He further submits that the petitioner has been suffering incarceration for more than 25 days from



29.12.2021. However, on instructions, he furthermore submits that without prejudice to his rights, on his own volition is ready to deposit an amount of Rs.1,00,000/- to the credit of Crime Number 232 of 2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioner had trespassed into the defacto complainant's house and taken away 19 sovereigns of gold and Rs.1,00,000/- cash and set fire on his house.

5. Considering the above facts and circumstances of the case and also also considering the undertaking given by the petitioner that he is ready to deposit an amount of Rs.1,00,000/- to the credit of Crime No.232 of 2021, this Court is inclined to grant bail to the petitioner on certain conditions.

(a) the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees one Lakh only) to the credit of Crime No.232 of 2021 before the learned Judicial Magistrate -II, Attur, Salem District and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount of Rs.1,00,000/- on proper identification and acknowledgment;

(c) the petitioners shall execute two sureties for a sum Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate -II, Attur, Salem District 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;

(d) 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;

(e) the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders.

(f) the petitioner shall not commit any offences of similar nature;

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

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



(i) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

-sd/-

24/01/2022

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 NO.II,
ATTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
GANGAVALLI POLICE STATION,
SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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

CRL OP.1482/2022

Date :24/01/2022

INBA~25/01/2022