



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM:

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

Cr1.O.P.No.1787 of 2022

Venkatesan

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Veppadai Police Station,
Namakkal District.
(Crime No. 357 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. 357 of 2021 pending investigation on the file of the Respondent police.

For Petitioner : M/s.C.S.Saravanan

For Respondent : Mr.N.S.Suganthan
(Government Advocate Cr1. Side)

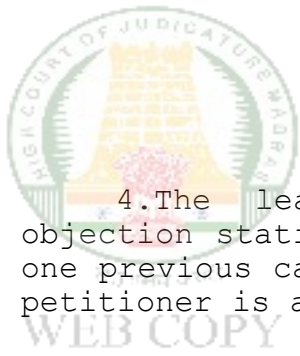
O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 13.12.2021 for the offences under Sections 457 & 380 of IPC, in Crime No. 357 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is the defacto complainant is the President of Anangoor Sr Sakthi Vinayagar Powerloom Co-operative Sales Association and his house was being used as Godown. On 13.12.2021, the lock of the Godown was found broken and 22 boxes of silk thread were found missing. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against him and that the petitioner has been suffering incarceration for more than 45 days from 13.12.2021. He would further submit that the petitioner is ready to abide by any condition and would pray for grant of bail.



4. The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner is arrayed as A1 and he has got one previous case but admits that the investigation with regard to the petitioner is almost completed.

5. Considering the fact facts and circumstances of the case and the fact that the investigation with regard to the petitioner is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, 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 make non-refundable deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) through demand draft to the Registered Advocate Clerks Association, Namakkal, without prejudice to his defence before the trial Court and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Komarapalayam, 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 petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

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

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

(g) the petitioner 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 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];



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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
28/01/2022

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,
KOMARAPALAYAM.

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

3 THE INSPECTOR OF POLICE,
VEPPADAI 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. C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.1787/2022

Date :28/01/2022

INBA~31/01/2022