



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

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CORAM:

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

Crl.O.P.No.1971 of 2022

Manivel

...Petitioner

Vs.

The State rep by
The Inspector of Police,
Bommidi Police Station
Dharmapuri District
(Crime No.69 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.69 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

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 15.12.2021 for the offence under **Section 397 of IPC**, in Crime No.69 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 18.03.2021 at about 3 a.m., the two unknown persons entered into the house of the defacto complainant and roped him by using cloth and his wife was also caught hold by one of the accused and at knife point, they robbed gold jeells and cash of Rs.65,000/-. 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 based on the confession of co-accused and that the petitioner has been suffering incarceration for more than 45 days from 15.12.2021. He would further submit that the petitioner is ready to abide by any stringent conditions and would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise objection stating that there are totally 4 accused and the petitioner is arrayed as A2 and the main accused / A1 is still absconding. He would further submit that the stolen jewels have not been recovered but admits that the investigation is almost completed.

5. Considering the above facts and circumstances of the case and the fact that the investigation 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 execute **two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned Judicial Magistrate, Pappireddipatti, 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. for a period of two months and thereafter, as and when required for interrogation.**

(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



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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/-
03/02/2022

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,
PAPPIREDDIPATTI, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BOMMIDI POLICE STATION,
DHARMAPURI DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, DHARMAPURI.

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

CRL OP.1971/2022

Date :03/02/2022

TA-04/02/2022