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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2022

CORAM:

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

Crl.O.P.No.2650 of 2022

Suresh @ Sullan Suresh

...Petitioner

Vs.

State Represented by
The Inspector of Police,
M-4, Thudiyalur Police Station,
Coimbatore District.
(Crime No.394 of 2019)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the Petitioner on bail concerned in C.C.No. 1421 of 2020 pending trial on the file of Judicial Magistrate Court No.I, Coimbatore.

For Petitioner : Mr.A.Sathishkumar

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 19.02.2020 for the offences under Sections 454 & 380 of I.P.C altered into sections 380, 414, 454 and 34 of IPC in Crime No.394 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons have stolen 167.75 sovereigns of Gold from the defacto complainant house. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner has not committed any offences as alleged by the prosecution and he has been falsely implicated in this case. Further he has been suffering incarceration for more than 1 1/2 years from 19.02.2020. He further submits that the co-accused were released on bail. Hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl side) raised objection stating that the petitioner is having 19 previous cases. He further stated that the charge sheet was also taken on file in C.C.No.1421 of 2020 before the Judicial Magistrate Court No.I. Coimbatore. Hence he vehemently opposed to grant bail to the petitioner.

5. Considering the fact that the petitioner is having 19 previous cases, out of which, he was acquitted in 7 previous cases, for which, he has enclosed the copies of the Judgments. Further that, all co-accused were released on bail 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) 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), before the learned Judicial Magistrate Court No.I, Coimbatore 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 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 twice in a day at 10.30 a.m. and 5.30 p.m. for a period of two months, until further orders;

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

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

(h) 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;



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

-sd/-

04/02/2022

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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 COURT NO.I,
COIMBATORE.

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

3 THE INSPECTOR OF POLICE,
M-4, THUDIYALUR POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S.A.SATHISHKUMAR Advocate on payment of necessary charges SR.NO.2001

CRL OP.2650/2022

Date :04/02/2022

INBA~07/02/2022