



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.2930 of 2022

Manikandan

...Petitioner

Vs.

State Rep. by
Inspector of Police
Gobichettipalayam Police Station
Erode District.
Crime No.619 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.619 of 2021 on the file of the respondent police.

For Petitioner : Ms.S.Rithika

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 29.12.2021 for the offences under Sections 454 & 380 IPC, in Crime No.619 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 14.12.2021, some unknown persons has trespassed into the house of defacto complainant, and after break open the door, committed a theft of 4 gold coins worth about Rs.1,60,000/- which was kept in the bureau. Hence the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. However, the petitioner is ready to abide by any condition imposed by this Court. She would further submit that as of now the stolen property were recovered and handed over to judicial custody for further proceedings. According to her, the further



custody of the petitioner is not necessary for completing the investigation. Hence, she would pray for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would fairly concede that the stolen property has been recovered and the investigation has also been completed.

5. The submissions made by the learned Counsel on either side are considered.

6. Taking into consideration of the fact that the stolen property was recovered at the instance of the petitioner, further custodial interrogation may not be necessary for completing the investigation. Though the petitioner is having 3 previous cases, all those cases are registered not for similar crime. Since, the petitioner is in the judicial custody from 29.12.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions;

(a) Accordingly, the petitioner is ordered to be released on bail on executing her 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-I, Gobichettipalayam, 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;

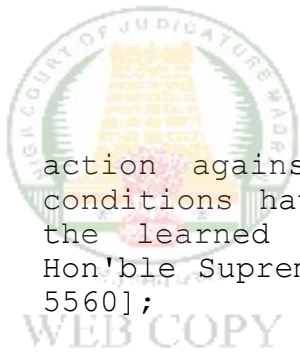
(d) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of 30 days and thereafter, as and when required for interrogation.

(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 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.

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

-sd/-

08/02/2022

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,
NO.I, GOBICHETTIPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
GOBICHETTIPALAYAM POLICE STATION,
ERODE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.2930/2022

Date :08/02/2022

CSK 09/02/2022