



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.6196 of 2022

Janagaraj ... Petitioner / Accused

versus

State: Rep. by
The Inspector of Police,
Avinashi Police Station.
(Crime No.1042 of 2021)

... Respondent / Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail pending investigation in Crime No.1042 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Sathishkumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Cr1.Side)

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 31.12.2021 for the offence punishable under Section 394 of IPC in Crime No.1042 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein has robbed gold jewels viz., 1/4 sovereign of 2 Kammals from the defacto complainant's aunt. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 31.12.2021 onwards. Hence, he prays for grant of bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent police raised objection stating that the alleged offence committed by the petitioner is heinous one. However, he admits that after completing investigation, the case papers were handed over to the learned Public Prosecutor for getting his opinion.

5. The submissions made by the learned counsel appearing on either side are considered. It appears that the respondent police has registered a case as against the petitioner alleging that the petitioner is liable to be convicted under Section 394 I.P.C. Since the investigation has been completed, further custody of the petitioner may not be necessary for completing the investigation. Further, there was no previous antecedents reported against the petitioner on the side of the prosecution. Further, the petitioner is in judicial custody from 31.12.2021 onwards.

6. Hence, taking note of all the above said aspects into consideration and having regard to the nature of offence committed by the petitioner and also by considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Avinashi;

(b) 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;

(c) the petitioner is directed to appear before the respondent Police, daily at 10.00 a.m. until further orders;

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

(e) 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];



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

WEB COPY

-sd/-

22/03/2022

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,
AVINASHI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, COIMBATORE.

4 THE INSPECTOR OF POLICE,
AVINASHI POLICE STATION,
TIRUPPUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SATHISHKUMAR Advocate on payment of necessary charges SR.NO. 4284

CRL OP.6196/2022

Date :22/03/2022

RW 23/03/2022