



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Second day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN

CRIMINAL ORIGINAL PETITION No.12995 & 13064 of 2022

PRABHU

[PETITIONER / ACCUSED
IN BOTH THE PETITIONS]

Vs

STATE REP BY ITS,
THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR DISTRICT.
CR.NO.454 & 453 OF 2022.

[RESPONDENT
IN BOTH THE PETITIONS]

For Petitioner : M/S.C.S.SARAVANAN Advocate, [IN BOTH THE PETITIONS]

For Respondent : M/S.E.RAJ THILAK, Additional Public Prosecutor
[IN BOTH THE PETITIONS]

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused and who was arrested on 30.04.2022 for the alleged offences punishable under Sections 454 and 380 of IPC in Crime Nos.453 and 454 of 2022 on the file of the respondent police, seeks bail. It is seen that two First Information Reports in Crime Nos.453 and 454 of 2022 have been registered against the petitioner.

2. In both cases, it is the case of the prosecution that on 19.03.2022 the *de facto* complainants, in both cases, had gone to their native places and their wives left the house at 10.30 a.m. Upon return, the *de facto* complainants' wives found that the houses were broken open and the bureaus was damaged, 2 sovereigns of gold jewels and cash of Rs.30,000/- were stolen. The investigating officer, after due investigation, had taken into custody the petitioner herein on 26.04.2022.



3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has nothing to do with the alleged offences and false cases have been registered against the petitioner. The petitioner is in judicial custody for more than 50 days. The learned counsel prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the accused persons have already moved bail before the Court below and the same was dismissed. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the nature of extreme similarity of the two cases, which is quite improbable and the period of incarceration already suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing one bond for a sum of **Rs.10,000/- (Rupees ten thousand only) with two sureties** each for a like sum to the satisfaction of the learned **Judicial Magistrate, Palladam, for both the cases** and on further condition that:

[a]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.

[b]the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[c]the petitioner shall not abscond either during investigation or trial.

[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 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 shall be 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]**.



If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

02/06/2022

WEB COPY

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,
PALLADAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR DISTRICT.

5 THE OFFICER INCHARGE
DISTRICT PRISON, TIRUPPUR.

+2 CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges SR.NO.8421, 8422

CRL OP.12995 & 13064/2022

Date :02/06/2022

TA-02/06/2022