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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.OP.No.13948 of 2022

1.Sathish
2.Dhamodharan
3.Radhakrishnan
4.Sakthi

..Petitioners/A1 to 4

Vs.

The State rep. By
Inspector of Police,
Central Police Station,
Tiruppur District
Crime No.48 of 2022.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in crime No.48 of 2022 pending investigation on the file of the respondent police.

For Petitioners : Mr.K.Sudhakar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 27.04.2022 for the offence punishable under Sections 457, 380 and 34 of IPC in crime No.48 of 2022 on the file of the respondent police, seek bail.

2. It is the case of the prosecution that the defacto complainant had kept two sovereign gold, documents and a sum of Rs.1,50,000/- in the terrace of his old house. The defacto complainant had engaged the petitioners for white washing his house and after completing the work, the defacto complainant found that the above things were missing. Hence, the case.



3. The learned counsel appearing for the petitioners would submit that the petitioners are poor workers. Initially, the complaint was registered against unknown persons under Section 380 of IPC and subsequently, it was altered into Sections 457, 380 and 34 of IPC. Further, the alleged incident had happened on 13.01.2022, but the complaint was given only on 18.01.2022. Hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that there are totally 5 accused. The petitioners went to the defacto complainant's house for doing the work of white washing for nearly 15 days. At that time, they had taken nearly Rs.2,35,00,000/- cash and also jewels. After some days only, the defacto complainant found that cash and jewels were missing and lodged the complaint. He would further submit that the petitioners are daily wage workers, but they have recently purchased jewels and a car and further, four houses have been purchased in the name of A3 and A4. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) (each) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Tirupur and on further conditions 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 petitioners shall stay at Chennai and report before the Inspector of Police, Nungambakkam Police Station, Chennai daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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-sd/-
17/06/2022

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.II, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE OFFICER INCHARGE
DISTRICT JAIL, TIRUPPUR.

6 THE INSPECTOR OF POLICE
NUNGAMBAKKAM POLICE STATION,
CHENNAI.

+1 CC to M/S.K.SUDHAKAR Advocate on payment of necessary charges SR.NO.9397

CRL OP.13948/2022

Date :17/06/2022

TA-17/06/2022