



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM

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

CrI.OP.No.14727 of 2022

Balakumar @ Bala

..Petitioner

Vs.

State Rep. By:-
Inspector of Police
Vedaranyam Police Station,
Nagapattinam District.
Crime No.137 of 2022.

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner / accused on bail in Crime No.137 of 2022 pending investigation before the respondent police station.

For Petitioner : Mr.C.Mohanraj

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.05.2022 for the offence punishable under Sections 147, 403, 417, 420, 465, 294(b), 506(ii), 342, 352, 120(b), 397 & 34 of IPC in Crime No.137 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was running a jewellery shop. It is alleged that one Thiagu Asari who is a Gold smith had approached the defacto complainant and said that he would buy Gold nuggets for a low price. Believing the same, the defacto complainant went to the place as suggested by A1. During that time, the defacto complainant was threatened at knife point by the accused persons and snatched Rs.96,00,000/-, 860 Grams Gold Nuggets, Chain and mobile phone. 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 was arrested and remanded to judicial custody on 04.05.2022. He would further submit that occurrence took place on 20.04.2022 whereas, the complaint was lodged only on 03.05.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner was also present at the time of occurrence along with other accused. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, taking note of the fact that the petitioner is in judicial custody from 04.05.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the Learned District Munsif-Cum-Judicial Magistrate, Vedaranyam, Nagapattinam District 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 petitioner shall report before the respondent Police daily Morning at 10.30 a.m. and Evening 05.00 p.m, 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 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/-
27/06/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VEDARANYAM,
NAGAPATTINAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM (FOR INFORMATION)

3 INSPECTOR OF POLICE,
VEDARANYAM POLICE STATION,
NAGAPATTINAM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
DISTRICT JAIL,
NAGAPATTINAM DISTRICT.

CC to M/S. C. MOHANRAJ Advocate on payment of necessary charges
Sr.10166

CRL OP.14727/2022

Date : 27/06/2022

RVR 28/06/2022