



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM

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

CrI.OP.No.15088 of 2022

1.S.Praveenkumar @ Vikky
2.P.Prithiviraj @ Periyavan

..Petitioners

Vs.

State rep by
The Inspector of Police,
Government Hospital Police Station,
Erode,
Erode District.
crime No.67 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.67 of 2022 on the file of the respondent police.

For Petitioners : Mr.W.Camyles Gandhi

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 28.05.2022 for the offence punishable under Sections 454, 457 & 380 of IPC in crime No.67 of 2022 on the file of the respondent police, seek bail.

2. It is the case of the prosecution that when the defacto complainant was not at home, the accused persons broke open the window and took away gold and silver idols worth Rs.20,27,500/- and cash of Rs.3,00,000/- kept in locker. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not involved in the offence as alleged by the prosecution. He would further submit that the property



was seized from A1 and on his confession only, the petitioners have been arrayed as accused. Hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that there are totally four accused, in which the petitioners are arrayed as A2 and A3. He would further submit that entire property has been recovered and the petitioners have no previous cases. However, 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) with two blood related sureties, each for a like sum to the satisfaction of the Judicial Magistrate-II, Erode 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 Melmaruvathur and report before the Inspector of Police, Melmaruvathur Police Station, Melmaruvathur 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.

-sd/-
30/06/2022

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-II,
ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GOVERNMENT HOSPITAL POLICE STATION,
ERODE.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

6 THE INSPECTOR OF POLICE,
MELMARUVATHUR POLICE STATION,
MELMARUVATHUR.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.10381

CRL OP.15088/2022

Date :30/06/2022

TA-30/06/2022