



WEB COPY



Crl.O.P.No.16397 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2022

CORAM

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

Crl.O.P.No.16397 of 2022

1.S.Vasanthakumar  
2.S.Arunkumar

...Petitioners

Vs.

State rep. by  
The Inspector of Police,  
Government Hospital Police Station,  
Erode.  
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 pending investigation.

For Petitioners : Mr.N.Stalin

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



Crl.O.P.No.16397 of 2022

WEB COPY

**ORDER**

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

2. The case of the prosecution is that, on 22.05.2022, the petitioners along with other accused persons had entered into the house of the defacto complainant by broke opening the window and had allegedly stolen the gold jewels along with gold and silver idols worth about Rs.20,27,500/- and cash about Rs.3,00,000/-. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that co-accused had been granted bail. That apart, the petitioners have been suffering incarceration from 28.05.2022. Therefore, he prays to grant anticipatory bail to the petitioners.



WEB COPY



Crl.O.P.No.16397 of 2022

4. The learned Additional Public Prosecutor would submit that that the stolen property has been from the accused persons. However, he opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances of the case and also the period of incarceration undergone by the petitioners from the date of arrest ie., from 28.05.2022, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing 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 learned **Judicial Magistrate No.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 Chengalpattu and report**



Crl.O.P.No.16397 of 2022

**before the Chengalpattu town police twice daily at 10.30 a.m., and 04.30.p.m., for a period of four weeks and thereafter report before the respondent daily at 10.30.a.m., until further orders.**

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

**15.07.2022**

*Sma*



CrI.O.P.No.16397 of 2022

WEB COPY

To

1. Judicial Magistrate, No.II, Erode.
2. The Inspector of Police,  
Government Hospital Police Station,  
Erode.
3. District Prison,  
Gobi chettipalayam.
4. The Public Prosecutor,  
High Court of Madras



Crl.O.P.No.16397 of 2022

**G.K.ILANTHIRAIYAN, J.**

sma

Crl.O.P.No.16397 of 2022

15.07.2022