



Crl.OP.No.17195 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2022

CORAM

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

Crl.OP.No.17195 of 2022

Gowtham @ Gandu

...Petitioner

Vs.

State Represented by
Inspector of Police,
D-1, Triplicane Police Station,
Chennai.
[Crime No.261 of 2022]

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No. 261 of 2022, pending
on the file of the respondent police.

For Petitioner : Mr.S.Shankar

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



WEB COPY



CrI.OP.No.17195 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.04.2022 for the offences punishable under Sections 457, 380 read with Section 34 of I.P.C in Crime No.261 of 2022, seeks bail.

2. The case of the prosecution is that, the petitioner along with one juvenile allegedly trespassed into the defacto complainant's house and committed a theft of 5 sovereign gold jewels and a cash amount of Rs.50,000/-. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. That apart, the petitioner has been suffering incarceration from 11.04.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that, a sum of Rs. 50,000/- and 18 grams of gold has been recovered from the petitioner. He further submitted that there are six previous cases similar in



Crl.OP.No.17195 of 2022

nature are pending against the petitioner. Hence, he opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his 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 **II Metropolitan Magistrate Court at Egmore** 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 stay at Krishnagiri and report before the Krishnagiri Town police twice daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.



CrI.OP.No.17195 of 2022

[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.

22.07.2022

Sma



Crl.OP.No.17195 of 2022

WEB COPY

To

1. II Metropolitan Magistrate Court at Egmore.
2. Inspector of Police,
D-1, Triplicane Police Station,
Chennai.
3. Central Prison,
Puzhal
4. The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.OP.No.17195 of 2022

G.K.ILANTHIRAIYAN, J.

Sma

Crl.O.P.No.17195 of 2022

22.07.2022