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CrI.OP.No.18485 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2022

CORAM

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

CrI.OP.No.18485 of 2022

Muthusamy

...Petitioner

Vs.

State rep. by,
The Inspector of Police, (Crime)
Thiruvannamalai Town Police Station,
Thiruvannamalai District.
(Crime No.101/2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail, pending investigation in Crime
No.101 of 2022 on the file respondent police.

For Petitioner : Mr.M.Sarfudeenaliahamed

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



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CrI.OP.No.18485 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.06.2022 for the offences punishable under Section 394 of IPC in crime No.101 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, the defacto complainant is running a stationary shop. It is alleged that on 08.06.2022, the petitioner along with other accused entered the defacto complainant's shop and attacked her with knife and also robbed a 9 sovereign gold thali chain which belong to the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in Judicial Custody from 14.06.2022 onwards. Hence, he prays for grant of bail to the petitioner.



Crl.OP.No.18485 of 2022

4.The learned Additional Public Prosecutor would submit that stolen property has been recovered. He further submitted that already this Court dismissed the petitioner's bail petition in Crl.O.P.No.16185 of 2022 dated 13.07.2022. Hence, he vehemently opposed for granting bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, from the date of his arrest i.e., 14.06.2022, 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 sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.1, Thiruvannamalai** 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.



WEB COPY



CrI.OP.No.18485 of 2022

[b] the petitioner shall report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m. for a period of six weeks and thereafter as and when required for interrogation.

[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.

05.08.2022

Sma



Crl.OP.No.18485 of 2022

WEB COPY

To

1. The Judicial Magistrate No.1,
Thiruvannamalai.
- 2.The Inspector of Police, (Crime)
Thiruvannamalai Town Police Station,
Thiruvannamalai District.
- 3.Central Prison,
Vellore.
- 4.The Public Prosecutor,
High Court of Madras.



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Crl.OP.No.18485 of 2022

G.K.ILANTHIRAIYAN, J.

Sma

Crl.O.P.No.18485 of 2022

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