



Crl.OP.No.20021 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2022

CORAM

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

Crl.OP.No.20021 of 2022

M.Sivan

...Petitioner

Vs.

State Rep by Inspector of Police,
Taluk Police Station,
Tiruvannamalai.
Crime Number.439/2022.

...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.439 of
2022 on the file of the respondent police.

For Petitioner :Mr.A.Sathasivam

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

ORDER

The petitioner who was arrested and remanded to judicial
custody on 19.07.2022 for the offences punishable under Sections **394**
read with 397 & 511 of IPC in Crime No.439 of 2022 on the file of the



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respondent police, seek bail.

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2. The case of the prosecution is that on the date of occurrence, the petitioner trespassed into the *de-facto* complainant's land and snatched her gold thalli chain at knife point. 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 such offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner trespassed into the *de-facto* complainant's land and snatched her gold thalli chain at knife point. He further submitted that there is no previous case pending as against the petitioner. However, he vehemently opposed for granting bail to the petitioner.

5. Considering the above facts and circumstances of the case



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and also the period of incarceration by the petitioner from the date of his arrest i.e., 19.07.2022, this Court is inclined to grant bail to the petitioner. 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 **Judicial Magistrate II Court, Tiruvannamalai**, 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 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.**



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State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

24.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate II Court,
Tiruvannamalai.
- 2.The Inspector of Police,
Taluk Police Station,
Tiruvannamalai.
- 3.Central Jail at Vellore.
- 4.The Public Prosecutor,
High Court of Madras

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