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Crl.O.P.No.22081 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2022

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.22081 of 2022

Balaiya

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Veppur Police Station,
Cuddalore District.
Crime No.513 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime
No.513 of 2022 on the file of the respondent Police.

For Petitioner : Mr.K.Amirthalingam

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.08.2022 for the offences punishable under Sections 147, 341, 384, 506(2) @ 147, 341, 384, 506(2), 120(b) and 420 of IPC, in Crime No.513 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner/de-facto complainant's son-in-law was working abroad and he came back to India on 14.08.2022. While so, nine unidentified persons had come to the house of the de-facto complainant in search of the petitioner and they had threatened the de-facto complainant and had taken a parcel from the de-facto complainant by intimidating her. It is the further case of prosecution that on further enquiry, it was found that the first accused had entrusted 300 grams gold biscuits to the petitioner, whereas the petitioner had cheated him. Hence the complaint.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is a tuberculosis patient and with regard to the same, he is taking treatment. He would also submit that the petitioner has no antecedents and he is in custody from 17.08.2022. The learned counsel would further submit that the co-accused in this case have already been granted with bail by this Court in Crl.O.P.No.21959 vide order dated 12.09.2022 and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the first accused had entrusted 300 grams of gold biscuit to the petitioner and when the petitioner had cheated him, the first accused along with other accused had taken the parcel away from the de-facto complainant by intimidating and assaulting her. He would also submit that no recovery has been made so far. Therefore, he vehemently opposed to grant bail to the petitioner.



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5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and taking note of the fact that the co-accused in this case has been granted with bail by this Court, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner are ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Virudhachalam** 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;



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[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, every Monday at 10.30 a.m., until further orders;

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

13.09.2022

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To

1. The Judicial Magistrate No.I,
Virudhachalam.
2. The Inspector of Police,
Veppur Police Station,
Cuddalore District.
3. The Sub Jail,
Virudhachalam.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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