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Crl.OP.No.23799 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

CORAM

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

Crl.OP.No.23799 of 2022

Gopal Kumar Tanti

...

Petitioner

Vs

State rep. by
The Inspector of Police,
G-1, Vepery Police Station,
Chennai.

Crime No.154 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.154 of 2022 on the file of the respondent Police.

For Petitioner : Mr.A.E.Ravi Chandran
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor.

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.05.2022 for the alleged offence punishable under Section 381 of IPC read with Sections 465, 468, 471 and 120B of IPC in Crime No. 154 of 2022 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner along with the other accused persons have conspired together and committed theft of gold jewels worth about Rs.1,20,00,000/- and cash of Rs.2,00,000/- from the defacto complainant house. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioner. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally three accused, in which the petitioner is arrayed as A1. A2 and A3 yet to be secured. He would further submit that the value of the stolen jewels worth about Rs.1,20,00,000/- and cash about Rs.2,00,000/- is not recovered till now. The petitioner is hailing from Jharkhand. Hence, he vehemently opposed to grant bail to the petitioner.



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5. It is seen that the respondent police filed charge sheet and the same has been taken cognizance in C.C.No.6560 of 20222 and it is pending on the file of the Metropolitan Magistrate No.II, Egmore, Chennai. There are totally three accused, in which, the petitioner is arrayed as A1. Sofar as A2 and A3 are concerned, they are still absconding. There is no recovery from the petitioner. He was arrested and remanded to judicial custody on 15.05.2022.

6. Considering the above facts and circumstances of the case, and also the period of incarceration of the petitioner from the date of his arrest i.e. 15.05.2022, this Court is inclined to grant bail to the petitioner on condition that **the petitioner shall deposit the original title deeds not less than the value of Rs.50,00,000/- (stands in the name of the petitioner or his relatives or friends) along with proper valuation certificate obtained from the authority concerned, to the credit of Crime No. 154 of 2022** and on such deposit, 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 learned **Metropolitan Magistrate No.II, Egmore, Chennai** and on further conditions that:-



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[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 deposit the original title deeds not less than the value of Rs.50,00,000/- (stands in the name of the petitioner or his relatives or friends) along with proper valuation certificate obtained from the authority concerned, to the credit of Crime No. 154 of 2022

[c] the petitioner shall report before the respondent police daily Morning at 10.30 a.m., and Evening 05.30 p.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

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

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To

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- 1.The Metropolitan Magistrate No.II,
Egmore, Chennai.
- 2.The Inspector of Police,
G-1, Vepery Police Station,
Chennai.
3. Central Jail,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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