



CrI.O.P.No.24091 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

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

CrI.O.P.No.24091 of 2022

S.Prabha

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Vridhachalam Police Station,
Cuddalore District.
(Crime No.810 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to release the petitioner on bail in connection Crime No.810 of 2022,
pending on the file of the respondent Police.

For Petitioner : Mr.A.Sathishkumar

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.side)



CrI.O.P.No.24091 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.09.2022, for the offences punishable under Sections 394 & 397 of IPC in Crime No.810 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner entered into a shop of the defacto complainant and by threatening her with hammer, had snatched 6 sovereigns of jewels from her. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the defacto complainant is running a Xerox shop and there was quarrel between the petitioner and the defacto complainant, and a false complaint has been given as against the petitioner. He would further submit that even as per the prosecution, the jewellery is stated to have been recovered. He would also submit that the petitioner is only a coolie and he has no previous case as against him. Therefore, he prays for grant of bail to the petitioner.



Crl.O.P.No.24091 of 2022

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner by threatening the defacto complainant with a hammer, robbed 6 sovereigns of gold jewels. He would also submit that the jewelery has been recovered and the petitioner has no previous case as against him. Therefore, he vehemently opposed to grant bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and that there is no previous case as against him and the jewellery has also been recovered, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five**



CrI.O.P.No.24091 of 2022

thousand only) with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate Court-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;

[b] the petitioner shall report before the respondent Police, daily at 10.30 a.m., and 05.30 p.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]*;



WEB COPY



Crl.O.P.No.24091 of 2022

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

30.09.2022

rgi

To

1. The Judicial Magistrate Court- I, Virudhachalam.
2. The Station House Officer,
Virudhachalam Police Station,
Cuddalore District.
3. The Sub Jail, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.24091 of 2022

A.D.JAGADISH CHANDIRA., J.

rgi

Crl.O.P.No.24091 of 2022

30.09.2022