



Crl.O.P.No.24581 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.10.2022

CORAM

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

Crl.O.P.No. 24581 of 2022

Gabriel

... Petitioner

Vs.

State: Represented by
Assistant Commissioner of Police,
Arumbakkam Division,
K8 Arumbakkam Police Station,
Chennai - 600 106.
Crime No.297 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on Bail in Crime No.297 of 2022 on the file
of the respondent pending investigation.

For Petitioner : Mr.R.John Sathyan

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



Crl.O.P.No.24581 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.08.2022, for the offences punishable under Sections 342, 397 & 120(B) of IPC @ Sections 342, 395, 397, 412 & 414 of IPC, in Crime No.297 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Suresh, Branch Manager of FED Bank Financial Services Limited is that on 13.08.2022, at about 09.30 a.m., while he was in duty, two unknown persons aged about 25 to 30 years had trespassed into the Bank, threatened him and yet another staff, Vijayalakshmi with knife stating that “சத்தம் போட்டால் உங்கள் கழுத்ததை அறுத்து விடுவேன்” and snatched the keys of the strong room and took away 31.700 Kgms of gold worth about Rupees 11 Crores, which were kept in 460 pouches belonging to 371 customers and thereafter, locked the room and left from the Bank. Originally, a case was registered for offence under Sections 342, 397 & 120(B) of IPC and thereafter, the investigation was transferred to Assistant Commissioner of



Crl.O.P.No.24581 of 2022

Police and the case was altered to one under Sections 342, 395, 397, 412 & 414 of IPC.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been roped into this case since, he happens to be the friend of A4. He would also submit that the allegations as against the petitioner is that he has harboured the other accused after the occurrence. He would further submit that other than the recovery of the personal jewels of 23 Grams from the petitioner, no other materials have been recovered from the petitioner. He would also state that the petitioner is aged 28 years and an ITI diploma holder, engaged in fabrication business and that other than the allegation of harboured the other accused, he has no role to play in this case. Therefore, he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that it is a day light robbery committed in the midst of one accused working in the Bank and by threatening the Manager and other staff with knife and snatched the keys of



Crl.O.P.No.24581 of 2022

the strong room and took away 31.700 Kgms of gold worth about Rupees 11 Crores, which were kept in 460 pouches belonging to 371 customers and thereafter, locked the room and left from the Bank. He would further submit that the accused with the help of A1, who is an insider working in the Bank have preplanned and committed the offence. Therefore, he vehemently opposed to grant bail to the petitioner.

5. At this juncture, in reply, the learned counsel for the petitioner would submit that as far as the petitioner is concerned, he was not present in the place and he was not aware of the incident and other than harbored the other accused, he has nothing to do with the said incident. He would also submit that the entire contraband has been recovered from the accused. He would further submit that as far as this petitioner is concerned, there is no previous case as against the petitioner. He would also state that A9 and A10 in this case are yet to be arrested. Therefore, he prays for grant of bail to the petitioner.



Crl.O.P.No.24581 of 2022

WEB COPY

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

7. Taking into consideration the facts and circumstances of the case and the submission made by the learned counsel and also the period of incarceration suffered by the petitioner and also taking note of the fact that the the contraband has been recovered and the main accused i.e., A1 to A4 in this case have been detained under Act 14, this Court is inclined to grant bail to the petitioner.

8. 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 thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned 5th Metropolitan Magistrate, Egmore, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



CrI.O.P.No.24581 of 2022

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]**;

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

13.10.2022

rgi



Crl.O.P.No.24581 of 2022

WEB COPY

To

1. The 5th Metropolitan Magistrate,
Egmore, Chennai.
2. The Assistant Commissioner of Police,
Arumbakkam Division,
K8 Arumbakkam Police Station,
Chennai - 600 106.
3. The Central Prison,
Phase – II, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.24581 of 2022

A.D.JAGADISH CHANDIRA., J.

rgi

Crl.O.P.No.24581 of 2022

13.10.2022