



WEB COPY



Crl.O.P.No.24535 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

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

Crl.O.P.No.24535 of 2022

Vijay

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Adhiyamankottai Police Station,
Dharmapuri District.

(Crime No.183/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.183
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Rajarathinam

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



Crl.O.P.No.24535 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.08.2022, for the offences punishable under Section 392 of IPC in Crime No.183 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 under the guise of purchasing water bottle came to the de-facto complainant's grocery shop and had snatched 4 Sovereigns of gold chain, worth about Rs.75,000/- from her. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner, who is aged about 23 years, is an innocent person and he has been implicated in this case only based on the suspicion. He would further submit that the respondent has completed the investigation and filed the final report which is taken on the file of the learned Additional Mahila Court, Dharmapuri in C.C.No.445 of 2022. He would also submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



Crl.O.P.No.24535 of 2022

WEB COPY

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner under the guise of purchasing water bottle entering into the de-facto complainant's grocery shop, had snatched 4 Sovereigns of gold chain, worth about Rs.75,000/- from her. He would further submit that investigation has been completed and the final report has also been filed and it has been taken in C.C.No.445 of 2022 on the file of the learned Additional Mahila Court, Dharmapuri. He would also state that the gold chain has been recovered. He would also submit that as far as this petitioner is concerned he is a habitual offender who has two previous cases out of which one is of similar in nature. Hence, he oppose for grant of 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. This Court had earlier directed the respondent to verify whether the address given by the petitioner is his permanent address or not and today, the respondent has also informed that the said address is the permanent



Crl.O.P.No.24535 of 2022

address of the petitioner.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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** (out of which, one surety should be either father or mother of the petitioners and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Principal District Judge, Dharmapuri** 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 trial Judge concerned, on all working days at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed



WEB COPY



CrI.O.P.No.24535 of 2022

by the learned trial Judge;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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.

04.11.2022

ham

To

- 1.The Principal District Judge,
Dharmapuri.
- 2.The Inspector of Police,
Adhiyamankottai Police Station,
Dharmapuri District.
- 3.The Sub Jail,
Dharmapuri.
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.24535 of 2022



WEB COPY



Crl.O.P.No.24535 of 2022

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.24535 of 2022

04.11.2022