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Crl.OP.No.24445 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2022

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.24445 of 2022

Saravanan

... Petitioner

Vs.

The State Rep. by:-
The Inspector of Police,
Pullambakkam Police Station,
Thiruvallur District.
(Crime No.106/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in Crime No.106 of 2022 pending
investigation on the file of the Respondent.

For Petitioner : Mr.S.Kartik

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 26.08.2022 for the offences punishable under Sections 294(b), 448, 457, 380 and 436 of IPC in Crime No.106 of 2022 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that on 22.08.2022 at about 11.00 p.m., the petitioner trespassed into the house of the defacto complainant and assaulted her with hands and abused the defacto complainant's elder daughter with filthy language and also trespassed into the house of the defacto complainant's another daughter and robbed 5 sovereigns of gold jewels worth Rs.40,000/- and 32' inch LED TV and thereafter set fire on the house of the defacto complainant. Hence, the case.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent person and he is nothing to do with the alleged offence and he has been falsely implicated in this case. Therefore, he prays for grant of bail to the Petitioner.



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4. The learned Additional Public Prosecutor appearing for the Respondent would submit that the petitioner trespassed into the houses of the defacto complainant and her daughter and robbed 5 sovereigns of gold jewels and other articles and thereafter set fire on the defacto complainant's house. Hence, he vehemently opposed to grant bail to the Petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record including the First Information Report.

6. Considering the facts and circumstances of the case and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.106 of 2022 and on such deposit the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with



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two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Thiruvallur and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the petitioner shall stay at Chennai and report before the Inspector of Police, Esplanade Police Station, Chennai daily at 10.00 a.m., and the petitioner shall not enter into the jurisdiction of the respondent police till the investigation is completed and charge sheet is filed;

(c) the petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the



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bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

06.10.2022

ssi/rpp

To

1. The learned Judicial Magistrate No.I,
Thiruvallur.
- 2.The Inspector of Police,
Pullarambakkam Police Station,
Thiruvallur District.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP,J.
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