



Crl.O.P.No.24757 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM

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

Crl.O.P.No.24757 of 2022

Kalaivanan

... Petitioner

Vs.

State Rep. By
Inspector of Police,
Thimmampettai Police Station,
Thirupattur District.
(Crime No.88 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.88 of 2022 (on the file
of Respondent Police)

For Petitioner : Mr.S.Thirugnanam

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.09.2022, for the offences punishable under Sections 394, 397 of IPC @ Sections 120(B), 324, 397 of IPC, in Crime No.88 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Renuka is that on 04.08.2022, while she was riding in a two wheeler, three unknown persons had come in the opposite side in a two wheeler, dashed against her and also attacked her with iron rod and robbed 2 sovereigns of gold chain from her. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that the petitioner is the friend of A1/ husband of the defacto complainant and there was a matrimonial dispute between A1 and the defacto complainant. He would further submit that A1 had taken away the jewels belonging to the defacto complainant and she has



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given a false complaint and the petitioner has been unnecessarily implicated in this case. He would also state that the petitioner has got no previous cases as against him and he is also a person from the same village and for the reasons best known, the defacto complainant has given a complaint as if the accused are unknown.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the case of the defacto complainant is that while she was traveling in a two wheeler, three unknown persons dashed against her and assaulted her with iron rods and robbed two sovereigns of gold chain from her. He would also submit that only during the course of investigation, it was found that the defacto complainant's husband had engaged the petitioner to take away the jewels of the defacto complainant. He would further submit that there is no previous case as against the petitioner and he is also from the same village. However, he vehemently opposed to grant bail to the petitioner.



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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 also the fact that the petitioner is also from the same village and that he has got no previous cases as against him and there seems to be a matrimonial dispute between A1 and the defacto complainant, 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 Thousand only)** each with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Vaniyampadi**, and on further conditions that:

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



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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.

17.10.2022

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1. The Judicial Magistrate, Vaniyampadi.
2. The Inspector of Police,
Thimmampettai Police Station,
Thirupattur District.
3. The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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