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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25826 of 2021

Kumaresan @ Kumar

... Petitioner/Accused A4

Vs.

The State of Tamil Nadu ... Respondent/Complainant
represented by the Inspector of Police,
Nallur Police Station,
Tiruppur District.
Crime No.1612 of 2021.

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No. 1612 of 2021, on the file of the respondent police.

For Petitioner : Mr.Deepan Uday

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

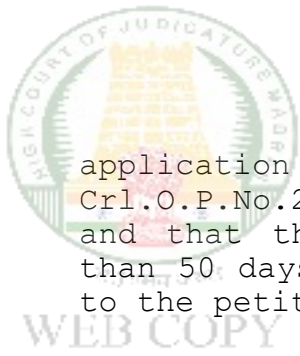
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 11.11.2021 for the offences **under Sections 392 & 397 IPC in Crime No.1612 of 2021**, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant viz., Rajaprakash is that he is working in a Tasmac and on 01.11.2021, while he was on his way to bank to deposit the collection amount of Rs.9,12,350/-, the petitioner along with other accused, robbed the collection amount of Rs.9,12,350/- from the defacto complainant. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit this is the second bail



application for bail and the first bail application in CrI.O.P.No.22477 of 2021 was dismissed by this Court on 26.11.2021 and that the petitioner has been suffering incarceration for more than 50 days from 11.11.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (CrI. Side) raised objection stating that there are four accused in this case and the petitioner is arrayed as A4 and only a sum of Rs.1,50,000/- has been seized so far out of the stolen amount of Rs.9,12,350/- and that there are four previous cases against the petitioner but admits that all the four accused have been arrested and the investigation is almost completed.

5. Considering the facts and circumstances of the case and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his **own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison**, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner is directed **deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of Crime No.1612 of 2021** and on such deposit, the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-IV, Tiruppur District, within a period 15 days from the date of commencement of the Court's normal functioning**, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the **respondent police on every Wednesday and Saturday at 10.30 a.m. until further orders.**



(e) The defacto complainant is permitted to withdraw the deposit amount of Rs.2,00,000/- (Rupees Two Lakhs Only) on proper identification and acknowledgement.

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(f) the petitioner shall not commit any offences of similar nature;

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

(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) on breach of any of the aforesaid conditions, the learned Judicial 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];

(j) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

03/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.IV, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE,
NALLUR POLICE STATION,
TIRUPUR.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S.DEEPAN UDAY Advocate on payment of necessary charges

CRL OP.25826/2021

Date :03/01/2022

TA-04/01/2022