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CrI.O.P.No.25667 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

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

CrI.O.P.No.25667 of 2022

Ramasamy @ Koraramasamy

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Virdhachalam Police Station.
Cuddalore District.
(Crime No.769/2022).

... 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.769
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Selvam

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.08.2022, for the offences punishable under Sections 457 and 380 of IPC in Crime No.769 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused broke open the Hotel of the de-facto complainant and committed theft of Rs.4,000/- and the de-facto complainant's ATM card from the cash box. 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 state that this is the second bail application before this Court and this Court in an earlier occasion dismissed the bail application in Crl.O.P.No.23052 of 2022 vide order dated 27.09.2022 stating that the petitioner has got 6 previous cases out of which 3 are of similar in nature. He would further submit that the petitioner has not been found guilty in any of the previous cases and he also have a permanent residence. He would also



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submit that the petitioner is in custody from 12.08.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court and prepared to furnish adequate sureties. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner along with the other accused broke open the Hotel of the de-facto complainant and committed theft of Rs.4,000/- and the de-facto complainant's ATM card from the cash box. He would also submit that the petitioner is a habitual offender against whom there are 6 previous cases are pending, out of which, 3 cases are of similar nature and the other cases are for robbery. He would also submit that this is the second bail application before this Court and this Court had earlier dismissed the bail application on 27.09.2022. Therefore, he vehemently opposed to grant 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.



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6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner is not convicted in any of the previous cases and also considering the period of incarceration undergone by the petitioner, 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/- 3(Rupees Twenty Five thousand only)** with **two sureties** (out of which, one surety should be a blood related surety and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Virdhachalam**, 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 respondent Police everyday at 10.30 a.m. and 5.30p.m., until further orders;



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[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.

31.10.2022

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To

- 1.The Judicial Magistrate No.I,
Virdhachalam.
- 2.The Station House Officer,
Virdhachalam Police Station.
Cuddalore District.
- 3.The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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