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CrI.O.P.No.25689 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

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

CrI.O.P.No.25689 of 2022

Kavin

... Petitioner

Vs.

State, Rep. by  
The Inspector of Police,  
Veppadai Police Station,  
Namakkal District.  
(Crime No.135 of 2021)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleased to enlarge the Petitioner on bail, pending investigation of the case in  
the Crime No.135 of 2021 on the file of the respondent.

For Petitioner : Mr.M.Vijaya Ragavan

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 13.09.2022, for the offences punishable under Section 399 in Crime No.135 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner along with the other accused were found assembled unlawfully and making preparation to commit theft. Hence, the case.

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 further submit that since the petitioner has some previous cases, the respondent has foisted this case as against the petitioner in order to curtail his activities. He would also submit that he is in custody from 13.09.2022 and he is prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with the other accused were found assembled unlawfully and making preparation to commit theft. He would also submit there are 5 previous cases as against the petitioner. Hence, 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.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel, 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)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Komarapalayam**, and on further conditions that:



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[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 daily at 10.30 a.m., and 5.30 p.m., until further orders;**

[c] the petitioner shall not tamper with evidence or 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 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 absconds, a fresh FIR can be registered under Section 229A IPC;

**27.10.2022**

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To

1. The Judicial Magistrate,  
Kumarapalayam.
2. The Inspector of Police,  
Veppadai Police Station,  
Namakkal District.
3. The Central Prison,  
Salem.
4. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA.,J.**

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**27.10.2022**