



Crl.OP.No.26666 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

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

Crl.OP.No.26666 of 2022

E.Nithishkumar

... Petitioner

Vs.

The State Rep. By
The Inspector of Police,
Ooty B1 Town Central Police Station,
Ooty, Nilgiri.
(Crime No.191 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.191 of 2022 on the file
of the respondent police.

For Petitioner : Mr.T.Elumalai

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 06.09.2022 for the offences punishable under Sections 392, 397 of IPC in Crime No.191 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that on 04.09.2022, the petitioner along with the other accused waylaid the defacto complainant and robbed a sum of Rs.52 Lakhs. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that this is the second application for bail. Earlier application for bail was dismissed on the ground that the investigation was at the initial stage and out of an amount of Rs.52 Lakhs, only Rs.90,000/- has been recovered. He would submit that the petitioner is aged about 19 years and even as per the prosecution, the averments against the petitioner that he has arranged vehicle for other accused. Other than that, the petitioner has no other criminal antecedents. He would submit that the petitioner has permanent residence and he is prepared to abide by any stringent conditions imposed on him. Therefore, he prays to grant bail to the petitioner.



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4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioner is a member of gang, they have waylaid the defacto complainant and robbed a sum of Rs.52 Lakhs, which has to be paid to the whole sale dealers. He would submit that out of alleged amount, Rs.90,000/- has been recovered so far and the balance is yet to be recovered and the other accused absconding are yet to be secured. Hence, he vehemently opposed to grant bail to the petitioner.

5. In reply, learned counsel for the petitioner would submit that the petitioner is aged only 19 years and he was secured from his house at Kangayam and the cash of Rs.19,000/- was belongs to his parents.

6. Heard both the learned counsel and perused the materials available on record including the First Information Report.

7. Taking into consideration of the facts and circumstances of the case and the period of incarceration suffered by the petitioner from 06.09.2022 and also taking note of the age of the petitioner, this Court is inclined to grant bail to the petitioner.



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8. 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**, out of which, one surety should be either father or mother of the petitioner, each for a like sum to the satisfaction of the **learned Judicial Magistrate Court, Udhagamandalam** 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 every day at 10.30 am 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



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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.

03.11.2022

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To

1. The learned Judicial Magistrate Court, Udhagamandalam
- 2.The Inspector of Police,
Ooty B1 Town Central Police Station,
Ooty, Nilgiri.
3. The Central Prison,
Puzhal-II.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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