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Crl.OP.No.27721 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

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

Crl.OP.No.27721 of 2022

R.Madhavan

... 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.,
pleaded 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 had 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 the petitioner is an innocent person and he has been falsely implicated in this case since he happened to be the relative of the other accused. He would submit that this is the second application for bail and the earlier application for bail in Crl.O.P.No.23891 of 2022 was dismissed on 30.09.2022 on the ground stating that the investigation is at the initial stage and the co accused are still absconding and the stolen property has not been recovered. The petitioner has no other case pending against him. The petitioner was arrested on 06.09.2022 and he is in custody for more than 65 days. 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 along with the other accused had waylaid the defacto complainant and robbed a sum of Rs. 52 lakhs. He would submit that the other accused are still absconding and the petitioner has no other previous case pending against him. However, he vehemently opposed to grant bail to the petitioner.

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

6. 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 there is no previous case pending against 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/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of



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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 petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



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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.

11.11.2022

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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 Sub Jail,
Ooty
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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