



Crl.O.P.No.27526 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM

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

Crl.O.P.No. 27526 of 2022

Vasantheeswaran

... Petitioner

Vs.

State rep.by
The Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal.

(Cr.No.320 of 2022)

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.320 of 2022 pending
investigation on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

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 09.10.2022 for the offences punishable under Sections 392, IPC @ 397, 395 of IPC in Crime No.320 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant Mahadevan is that he got separated from his wife and living separately, during such time, he got acquainted with a lady through phone and that she had asked for Rs.5000/- for paying her son's school fees. While so, on 07.10.2022, she had invited the de-facto complainant to her house and when he had gone there, three persons, out of whom, two of them are known to the petitioner, had threatened him and robbed a sum of Rs.5,800/- and also taken his Identity cards and a mobile phone from him. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he happens to be the friend of the other accused. He further



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submitted that there was some enmity between the de-facto complainant and other accused, on account of the relationship of the de-facto complainant with one Suganya, who has been arrayed as A7 and he further submitted that a case of illicit affair and a financial dispute has been falsely projected as a case of robbery. He further stated that the petitioner has no bad antecedents and has been in custody from 09.10.2022. Hence, he prayed for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the de-facto complainant on invitation of A7 had gone to her house, wherein, he was threatened by the accused and they have robbed a sum of Rs.5,800/-, mobile phone and identity cards from him. He fairly submitted that there was some previous enmity between the parties. He also stated that there is no previous case as against the petitioner, however, he 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 including the First Information Report.



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6. Taking into consideration the facts and the circumstances of the case and the submissions made by the learned counsel and taking note of the fact that no previous case is pending as against the petitioner 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/-(Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Tiruchengode** 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 daily at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[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.

18.11.2022

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To

1. The learned Judicial Magistrate,
Tiruchengode.
2. The Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal.
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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