



Crl.O.P.No. 29277 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.29277 of 2022

Shiva,
S/o.Gopal Reddy

.. Petitioner

Vs.

State represented by
The Inspector of Police,
Hudco Police Station,
Hosur, Krishnagiri Dt.
(Crime No.312 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.312 of 2022 on the file of respondent police.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.11.2022 for the alleged offence under Sections 392 I.P.C. in Crime No.312 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that while the defacto complainant was returning back after purchasing milk at Moondru Paathai branch road, a person aged about 35 to 40 years came in two wheeler and forcibly taken 1 ½ sovereign of gold chain and fled away from the scene of occurrence. Hence, the complaint.

3. The learned counsel for the petitioner submitted that he has not at all committed any offence as alleged by the respondent police and he is no way connected with the offence. He would submit that he has been falsely implicated in this case for statistical purpose. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 31 days from 05.11.2022. Hence, he prayed to grant bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that there is no previous case pending against the petitioner and the property was recovered from the petitioner. He would also submit that if he is released on bail, he will tamper the witnesses and hamper the investigation. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the fact that the investigation is almost completed, and also the fact that the property was recovered from the petitioner and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to **deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Tamil Nadu Advocate's Clerk Association, Madras Current A/c. No.484026006, Indian Bank, High Court Branch, IFSC.No. IDIB000M157** and on such



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deposit, the petitioner is ordered to be released on bail on executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, for a like sum to the satisfaction of the ***learned Metropolitan Magistrate-II, Hosur***, 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 on every Wednesday at 10.30 a.m. for the period of three months and thereafter, shall appear before the trial court for every hearing without fail.

(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



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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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

07.12.2022

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To

To

1.The Metropolitan Magistrate-II, Hosur.

2.The Inspector of Police,
Hudco Police Station,
Hosur, Krishnagiri Dt.

3. The Superintendent
Central Prison, Salem.

4.The Public Prosecutor,
High Court, Madras



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T.V.THAMILSELVI, J.

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