



Crl.O.P.Nos.29752, 29775, 29779 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.Nos.29752, 29775, 29779 of 2022

Balamurugan

... Petitioner in all Crl.O.P's

Vs.

The State represented by,
The Inspector of Police,
Vikravandi Police Station,
Vikravandi Post,
Villupuram District.
(Crime Nos.486 & 294/2022).

... Respondent in Crl.O.P.Nos.29752 & 29779 /2022

The State represented by,
The Inspector of Police,
Villupuram West Police Station,
Villupuram Post & District.
(Crime No.89/2022).

... Respondent in Crl.O.P.No.29775 of 2022

Prayer in Crl.O.P.No.29752 of 2022 : Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner on bail in connection with the Crime No.486 of 2022, pending investigation on the file of the respondent Police.



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Prayer in Crl.O.P.No.29779 of 2022 : Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner on bail in connection with the Crime No.294 of 2022, pending investigation on the file of the respondent Police.

Prayer in Crl.O.P.No.29775 of 2022: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner on bail in connection with the Crime No.89 of 2022, pending investigation on the file of the respondent Police.

In all Crl.O.P.Nos.,

For Petitioner : Mr. D.Veerasekararan

for Mr.V.Prabhakaran

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl.Side)

COMMON ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.10.2022, in Crime Nos.486, 294 & 89 of 2022 for the offence punishable under Section 379 of IPC, on the file of the respective respondent police, seeks bail.



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2.1 The case of the prosecution in Crl.O.P.No.29752 of 2022 as per the de-facto complainant Ayishaa is that while she was traveling in a bus, the petitioner along with other accuse, by distracting her, had taken away a sum of Rs.5000/-, 2 mobile phones and one power bank from her. Hence the case.

2.2 The case of the prosecution in Crl.O.P.No.29779 of 2022 as per the de-facto complainant Vijayakumar is that on 30.06.2022, while he was traveling in a bus, the petitioner along with other accused, by distracting him had taken away a sum of Rs.1,67,500/ from him. Hence the case.

2.3 The case of the prosecution in Crl.O.P.No.29775 of 2022 as per the de-facto complainant Mageshwari is that on 29.04.2022, the petitioner along with other accused had taken away a sum of Rs.1,00,000/ from her. Hence the case.

3. The learned counsel appearing for the petitioner submitted co-accused in this case has already been granted bail by this Court in Crl.o.P.Nos. 28730, 28770 and 28794 of 2022 dated 02.12.2022. Hence, he



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prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondents vehemently opposed to grant bail to the petitioner stating that the petitioner, is an habitual offender and there are 10 previous cases pending against him. Hence, he opposed to grant bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel 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 ordered to be released on bail on his executing a separate bond in each crime number for a sum of **Rs.10,000/- (Rupees Ten thousand only) each** with **two blood related sureties**, each for a like sum to the satisfaction of the learned **District Munsif cum Judicial Magistrate, Vikravandi** (Crl.O.P.Nos.29779 & 29752 of 2022) and **Judicial Magistrate No.I, Villupuram** (Crl.O.P.No.29775 of 2022) 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., 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 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.

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To



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1. The Judicial Magistrate No.I,
Villupuram.
2. The District Munsif cum Judicial Magistrate,
Vikravandi.
3. The Inspector of Police,
Vikravandi Police Station,
Vikravandi Post,
Villupuram District.
3. The Inspector of Police,
Villupuram West Police Station,
Villupuram Post & District.
4. The Central Prison,
Cuddalore.
5. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN.,J.

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