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Crl.O.P.No.31270 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.12.2022

CORAM :

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

Crl.O.P.No.31270 of 2022

Suresh,
S/o.Babu

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Ambur Taluk Police Station,
Tirupattur Dt.
(Crime No.332 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.332 of 2022 on the file of respondent police.

For Petitioner : Mr.T.Dhasarathan

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 04.11.2022 for the alleged offence punishable under Sections 392 I.P.C. and it was altered into Sec.395 of I.P.C. in Crime No.332 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that on 03.11.2022 at about 08.30 p.m. the defacto complainant and his friend's wife are working in the same company, and while they were returning after their employment in a two wheeler, near one Chandran's land at Vengili, she told that she was in nature calling, so he parked his bike. While being so, four persons came in a two wheeler and threatened them and grabbed their mobile phones and cash of Rs.5000/- from both of them. Hence, the complaint.

3. The learned counsel appearing for petitioner would submit that he is an innocent person and he is no way connected with the offence. He would submit that he has not committed any offence as alleged by the respondent police and he has been falsely implicated in the present case. He would submit that he is in custody for more than 44 days from 04.11.2022. Hence, he prayed to grant bail to the petitioner.



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4. The learned Additional Public Prosecutor appearing for the respondent would submit that no previous case pending against the petitioner and the property was recovered from the petitioner. He would submit that the investigation is almost completed and if he is released on bail, he would hamper the investigation and tamper the witnesses. Hence, he opposed to grant bail to the petitioner.

5. Considering the fact that the investigation is almost completed, the property was recovered from him and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate, Ambur** and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;



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(b) the petitioner shall report before the respondent police at 10.30 a.m. on every Wednesday for a period of three months ;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

19.12.2022

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To

- 1.The Judicial Magistrate,
Ambur.
- 2.The Inspector of Police,
Ambur Taluk Police Station,
Tirupattur Dt.
- 3.The Superintendent,
Central Prison, Vellore.
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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