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Crl.O.P.No.1387 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

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

Crl.O.P.No.1387 of 2023

1. Kumar

2. Barath

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Mulanur Police Station,
Tiruppur District.

(Crime No.256 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail pending in Crime No.256 of 2022
pending on the file of the respondent.

For Petitioners : Mr.P.Kalimuthu

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



Crl.O.P.No.1387 of 2023

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ORDER

The petitioners, who were arrested and remanded to judicial custody on 01.10.2022 for the offences punishable under Sections 394 & 397 of IPC, in Crime No.256 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners are father and son respectively. On 28.09.2022, the de-facto complainant travelled towards Tiruppur along with the second petitioner, who was an acting driver of the car. While being so, the accused by assaulting the de-facto complainant, who was travelling towards Tiruppur in the accused's car, with iron rod, had committed a robbery of the jewels and the cash from him. The total worth of the property robbed from the de-facto complainant is about Rs.30,00,000/-. Hence the case.

3. Learned counsel appearing for the petitioners submitted that this is the second bail application of the petitioners before this Court and this Court had earlier dismissed the bail application filed by the petitioners in Crl.O.P.No.30579 of 2022 vide order dated 12.12.2022. He further submitted



Crl.O.P.No.1387 of 2023

the petitioners have not committed such offence as alleged by the respondent Police and also stated that the petitioners are in custody from 01.10.2022 and hence, he prayed to grant bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners conspired together and intercepted the de-facto complainant and by assaulting him with iron rod, robbed about Rs.25 lakhs of cash and the jewels worth about Rs.5,00,000/- from him. He also stated that this is the second bail application of the petitioners before this Court. He also submitted that the investigation was completed and the money was recovered from the accused, however, he vehemently opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioners and



Crl.O.P.No.1387 of 2023

taking note of the fact that the investigation was completed, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** with **two sureties** (out of which, one should be the blood surety, who should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate, Dharapuram**, 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 petitioners shall report before the respondent Police everyday at 10.30 a.m., for a period of two months and thereafter, on every Saturday at 10.30 a.m., for a period of three months and thereafter, as and when required for interrogation;

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

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;



Crl.O.P.No.1387 of 2023

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

23.01.2023

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To

1. The Judicial Magistrate, Dharapuram.
2. The Inspector of Police,
Mulanur Police Station,
Tiruppur District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.1387 of 2023

T.V.THAMILSELVI,J.

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Crl.O.P.No.1387 of 2023

23.01.2023