



Crl.O.P.No.1579 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2023

CORAM :

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

Crl.O.P.No.1579 of 2023

Amar Bahadur Thapa,
S/o.Saswathi Thaba

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Uthangarai Police Station,
Krishnagiri Dt.
(Crime No.387 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.387 of 2022 pending on the file of respondent police.

For Petitioner : Mr.E.Kannadasan

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 15.12.2022 for the alleged offence under Sections 399, 402 of I.P.C. in Crime No.387 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on the date of occurrence i.e. on 22.08.2022 at about 05.00 hrs, when the respondent police was deputed to secure the accused persons in pending cases at Uthangarai to Thiruvannamalai Road at Hare Ram Temple, on suspicious over the vehicle, they went near the car, and at that time, they heard the conversation about commission of bank robbery. Accordingly, the respondent police encircled them and arrested 4 persons and seized gas welder, cutter rod, screw driver and other tools. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that the entire allegation is false, vindictive, wanton and he is no way connected with the offence. He would submit that he has not at all committed any of



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offence as alleged by the respondent police and he has been falsely implicated in this case and he will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 40 days from 15.12.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that when the respondent police on their routine duty, they heard conversation of the petitioner and other accused about the commission of bank robbery, they were arrested and remanded to judicial custody. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and also considering the period of incarceration undergone by the petitioner, this



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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, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Uthangarai**, 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;

(b) the petitioner shall report before the respondent police on alternative days at 10.30 a.m. for period of two months;

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

(d) the petitioner shall not abscond either during



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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.

25.01.2023

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To

1. The District Munsif cum Judicial Magistrate,
Uthangarai.
2. Inspector of Police,
Uthangarai Police Station, Krishnagiri Dt.
3. The Superintendent of Prison,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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