



Crl.O.P.No.2089 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.01.2023

CORAM :

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

Crl.O.P.No.2089 of 2023

1. Vinothkumar,
S/o. Karuppusamy

2. Arun @ Puchi Irulappan,
S/o. Maasanam

.. Petitioners

Vs.

State represented by
The Inspector of Police,
Sunguvarchatram Police Station,
Kancheepuram Dt.
(Crime No.469 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.469 of 2022 on the file of respondent police.

For Petitioners : Mr.R.Gopinath

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 07.11.2022 for the alleged offence under Sections 380 and 454 of I.P.C. in Crime No.469 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 15.09.2022, the defacto complainant's wife went out of her house for work after locking the house and kept the key on the meter board of house and while she returned home, she saw her house door was opened and 8 to 12 sovereign of gold ornaments were found missing. Hence, he lodged the complaint.

3. The learned counsel for the petitioners submitted that that they are from economically backward class and in fact, they discontinued their studies due to poverty and working as coolies. He would submit that they have not at all committed any offence as alleged by the respondent police and they are no way connected with the offence. He would submit that they have been falsely implicated in this case for statistical purpose. He would further submit that the investigation is almost completed and that



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the petitioners have been suffering incarceration for more than 84 days from 07.11.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that there are 5 previous cases similar in nature pending against the petitioners and 9 sovereigns of gold ornaments were recovered from them. He would also submit that if they are released on bail, they will tamper the witnesses and hamper the investigation and now injured discharged from the hospital. Hence, he vehemently opposed to grant bail to the petitioners.

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



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6. Accordingly, the petitioners are 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 Judicial Magistrate, Sriperumbudur**, 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 petitioners shall report before the respondent police on every Wednesday and Saturday at 10.30 a.m. for period of three months;

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

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

(e) the petitioners 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



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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];

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

31.01.2023

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To

1. The Judicial Magistrate,
Sriperumbudur.
2. Inspector of Police,
Sunguvarchatram Police Station,
Kancheepuram Dt.
3. The Superintendent of Prison,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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