



Crl.O.P.No.3181 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2023

CORAM :

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

Crl.O.P.No.3181 of 2023

Anandaraj,
S/o.Kulanthaivelu

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Pallipalayam Police Station,
Namakkal.
(Crime No.311 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.311 of 2022 pending on the file of respondent police.

For Petitioner : Mr.B.Vetrivel
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 30.12.2022 for the alleged offence under Sections 450, 342, 395 and 397 of I.P.C. in Crime No.311 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 08.11.2022 at about 02.00 p.m. the defacto complainant and his wife were alone in their house, at that time, some of persons knocked his house door, while he opened the door, the petitioner along with other accused said to have threatened them with knife and tied both hands along with chair and closed their mouth, thereby they robbed a sum of Rs.28,00,000/- and 18 sovereigns of gold jewels Hence, the complaint.

3. The learned counsel for the petitioner submitted that there is no specific overtact attributed against the petitioner and he is an innocent person and he has not at all committed any offence as alleged by the respondent police. He would submit that he is no way connected with the



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occurrence and he will abide by any condition that may be imposed by this court and some of the accused are released on bail. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 55 days from 30.12.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner is arrayed as A20. He would submit that he accompanied with the other accused to commit a robbery. He would submit that some of the accused were released only on statutory bail and so far, a sum of Rs.10,00,000/- was recovered. He would submit that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is not yet completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also considering the fact that some of accused were released on statutory bail and so far, a sum of Rs.10 lakhs was recovered, and investigation is almost completed and also considering the period of incarceration



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undergone by the petitioner as he has no bad antecedents, 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, **in which one surety must be a blood surety** for a like sum to the satisfaction of the **learned Judicial Magistrate, Kumarapalayam**, 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 stay at Tiruvannamalai District and report before the Inspector of Police, Vettavalam Police Station daily at 10.30 a.m. for the period of eight weeks;

(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



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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.

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To

1. The Judicial Magistrate, Kumarapalayam.
2. Inspector of Police, Pallipalayam Police Station, Namakkal.
3. The Superintendent of Prison, District Jail, Namakkal.
4. The Public Prosecutor, High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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