



Crl.O.P.No.4126 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.02.2023

CORAM :

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

Crl.O.P.No.4126 of 2023

Mahesh,
S/o.Kumar

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Peralam Police Station,
Thiruvarur Dt.
(Crime No.35 of 2023)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.35 of 2023 pending on the file of respondent police.

For Petitioner : Mr.T.Elumalai
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 31.01.2023 for the alleged offence under Sections 392 of I.P.C. in Crime No.35 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 28.01.2023 during night hours, when the defacto complainant was waiting to go to Kumbakonam, he requested the petitioner to give lift to him in a two wheeler and he dropped him at Pavattakudi Bus Stop and informed that bus would come there, at that time, the petitioner said to have snatched his 2 sovereign gold chain. 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 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



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investigation is almost completed and that the petitioner has been suffering incarceration for more than 26 days from 31.01.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that he is sole accused. He would submit that on the date of occurrence, the petitioner gave a lift in a two wheeler to the defacto complainant and while dropping him, he snatched his 2 sovereign of gold chain. 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 on considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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6. Accordingly, the petitioner is **directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) as non-refundable deposit into the credit of registered Advocates' Clerks Association, Puducherry** and on such deposit, 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, Nannilam**, 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 the period of two 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



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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.

27.02.2023

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To

1. The Judicial Magistrate, Nannilam.
2. Inspector of Police,
Peralam Police Station,
Tiruvarur Dt.
3. The Superintendent of Prison,
Sub-Jail, Nannilam.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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