



Crl.O.P.No.5449 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.03.2023

CORAM :

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

Crl.O.P.No.5449 of 2023

L.Prakash,
S/o. Lakshmanan

.. Petitioner

Vs.

State represented by
The Inspector of Police,
Nallur Police Station,
Thirupur.
(Crime No.720 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.720 of 2022 on the file of respondent police.

For Petitioner : Mr.K.Sudhakar

For Respondent : Mr.Leonard Arul Joseph Selvam
Govt. Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.01.2023 for the alleged offence under Sections 392 and 397 of I.P.C. in Crime No.720 of 2022 on the file of the respondent police, seek bail.

2. The case of prosecution is that on 06.12.2022 at about 3.45 p.m. when the defacto complainant and her husband were at home, the petitioner along with other accused entered into their house, and at knife point, they threatened them and also snatched her jewels. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner would submit that as per the prosecution, only three persons were involved in the alleged occurrence, however, this petitioner being a friend of other accused, he has been added as a accused without any materials. He would submit that he is no way connected with the offence and he has not committed any of offence as alleged by the respondent police. He would also submit that



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he has been falsely implicated in this case and he will abide by any condition that may be imposed by this court. He would submit that this is the second petition seeking for bail and other co-accused were granted bail. He would also submit that the petitioner has been suffering incarceration for more than 60 days from 19.01.2023. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 7 accused involved in this case and the petitioner is arrayed as A2. He would submit that on the alleged date of occurrence, this petitioner is standing outside and assisted other accused to enter into defacto complainant's house and to commit the offence. So, the petitioner is the person present in the scene of occurrence. He would also submit that if he is released on bail, he would hamper the investigation and tamper the witnesses and the investigation is almost completed. However, he would vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances and also the fact



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that the investigation is almost completed, and other co-accused was released on bail and now the property was recovered and on considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on executing separate bonds 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 No.IV, Tiruppur*, 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 petitioner shall report before the respondent police daily at 10.30 a.m. for the period of two months.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

(e) on breach of any of the aforesaid conditions,



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the learned 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]*; and;

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

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To

1.The Judicial Magistrate No.IV, Tiruppur.

2.The Inspector of Police,
Nallur Police Station, Tiruppur.

3.The Superintendent of Prison,
District Jail, Tiruppur.

4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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