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Crl.O.P.No.5623 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.5623 of 2023

Sreekanth VK

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Chithode Police Station,
Erode District.

(Crime No.39 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime No.39
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.Prashant Rajagopal

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.01.2023, for the offences punishable under Sections 399, 420, 465, 468 & 471 of IPC, in Crime No.39 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 28.01.2023, when the respondent and his team were on their routine patrol duty, they intercepted the accused vehicle, in which, the registration number was forged one and also based on the confession statement recorded from the accused, respondent found that the accused have prepared for committing robbery. The respondent has recovered the weapons from the accused and registered the case against them. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped in this case. He further submitted that the fact remains is that the petitioner has got three previous cases and in order to put fetters on him, the respondent has fixed



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him in this case. He also submitted that earlier, the petitioner was arrested and kept in illegal custody, due to which, a Habeas Corpus Petition was also filed by his relatives, before the Hon'ble Kerala High Court and meanwhile, he was implicated in this case. He also stated that the petitioner is ready to furnish proof of his permanent residence and ready to abide by any stringent conditions that may be imposed on him. He also stated the petitioner is in custody from 29.01.2023, hence, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner along with other accused was found making preparations for committing robbery and they have also fitted the forged number plate in their vehicle and dangerous weapons were also recovered from them. He further submitted that 3 previous cases of similar nature are pending as against the petitioner. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties** (out of which, one shall be a blood related surety, who should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate III, Erode**, and on further conditions that:

[a] the petitioner should produce the proof for his permanent residence before the learned trial Judge concerned;

[b] 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;

[c] the petitioner shall report before the respondent Police, everyday at 10.30a.m., until further orders;



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[d] the petitioner shall not abscond either during 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

09.03.2023

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To

1. The Judicial Magistrate-III,
Erode.
2. The Inspector of Police,
Chithode Police Station,
Erode District.
3. The Sub Jail,
Erode.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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