

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM

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

Crl.O.P.No.5778 of 2023

M.Tony

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Saravanampatty Police Station,
Coimbatore.

(Crime No.72 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in connection with the Crime No.72
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.02.2023, for the offences punishable under Section 399 of IPC and Section 25(1B)(b) of Arms Act, 1959, in Crime No.72 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused were found in making preparations for committing dacoity with deadly weapons. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person, aged about 21 years and he has been falsely implicated in this case. He further submitted that the petitioner is a third year polytechnic student studying in Sri Ranganathar Institute of Polytechnic College, Coimbatore and he was no way connected with the alleged incident. He also submitted that the petitioner is in custody from 16.02.2023 and he is also ready to abide by any stringent conditions that may be imposed by this Court. He also submitted that the main accused A1 in this case has been

granted bail by this Court in Crl.O.P.No.5073 of 2023 vide order dated 03.03.2023. 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 in making preparations for committing dacoity with deadly weapons. He further submitted that no previous case is pending against the petitioner, however, 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.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also considering the fact that the co-accused has been granted bail by this Court, 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Coimbatore**, 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, everyday at 10.30a.m. and 06.30p.m., until further orders ;**

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] 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]***;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

13.03.2023

To

1. The Judicial Magistrate No.II,
Coimbatore.
2. The Inspector of Police,
Saravanampatty Police Station,
Coimbatore District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

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A.D.JAGADISH CHANDIRA.,J.

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