



Crl.O.P.Nos.5667 & 5670 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

CORAM

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

Crl.O.P.Nos.5667 and 5670 of 2023

Vignesh

.. Petitioner in both Crl.O.Ps

Vs.

The State represented by,
The Inspector of Police,
Mettur Police Station,
(Crime No.204 of 2022).

... Respondent in Crl.O.P.No.5667 of 2023

The State represented by,
The Inspector of Police,
Mecheri Police Station,
(Crime No.685 of 2022).

... Respondent in Crl.O.P.No.5670 of 2023

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleased to enlarge the petitioner on bail, in connection with the Crime Nos.204 and 685 of 2022, pending investigation on the file of the respondent Police.

In both Crl.O.Ps

For Petitioner : Mr.D.Balaji

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

COMMON ORDER



Crl.O.P.Nos.5667 & 5670 of 2023

WEB COPY

The petitioner, who was arrested and remanded to judicial custody for the offences under Section 379 of IPC, in Crime Nos.204 and 685 of 2022 on the file of the respondent police, seeks bail.

2(i). The case of the prosecution in Crl.O.P.No.5667 of 2023 as per the *de-facto* complainant Thirukkaivelu, is that the accused had committed theft of construction materials worth about Rs.2,80,000/-. Hence the case.

2(ii). The case of the prosecution in Crl.O.P.No.5670 of 2023 as per the *de-facto* complainant Velumani, is that some unknown accused had committed theft of construction materials worth about Rs.86,000/-. Hence the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped into this case. He further submitted that the respondent have suspected the father of the petitioner, who has committed the offence and unable to secure the father of the petitioner, they have falsely implicated the petitioner in both the cases. He further submitted that in both the cases, the defacto complainant have not stated about the identity of the accused and only in order to bring the



Crl.O.P.Nos.5667 & 5670 of 2023

petitioner's father to the respondent Police Station, the petitioner has been implicated and arrested in his residence. He also submitted that the petitioner is in judicial custody from 29.01.2023 and hence, he prays for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner/A2 along with A1, who is the father of the petitioner had committed theft of construction materials in the defacto complainants' houses, which are under construction. He further submitted that there are two previous cases pending against him. He also submitted that the stolen materials have been recovered and A1 in this case is still absconding. Hence, he opposed for grant of bail.

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 the period of incarceration undergone by the petitioner and also considering the age of the



Crl.O.P.Nos.5667 & 5670 of 2023

petitioner and the stole articles have been recovered, 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.I, Salem** 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 **Inspector of Police, Mettur Police Station daily at 10.30 a.m** and report before the **Inspector of Police Mecheri Police Station daily at 5.30 p.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,



CrI.O.P.Nos.5667 & 5670 of 2023

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.

14.03.2023

vkrr

To

- 1.The Judicial Magistrate No.I,
Salem.
- 2.The Inspector of Police,
Mettur Police Station.
- 3.The Inspector of Police,
Mecheri Police Station.
4. The Central Prison,
Salem.
5. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



WEB COPY



Crl.O.P.Nos.5667 & 5670 of 2023

vk

Crl.O.P.Nos.5667 and 5670 of 2023

14.03.2023