



Crl.O.P.Nos.6537 & 6541 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

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

Crl.O.P.Nos.6537 & 6541 of 2023

Mathankumar

.. Petitioner in both Crl.O.Ps.

Vs.

The State represented by,
The Inspector of Police,
Tharamangalam Police Station,
Salem District.

... Respondent in Crl.O.P.No.6537 of 2023

The State represented by,
The Inspector of Police,
Hasthampatty Police Station,
Salem District.

... Respondent in Crl.O.P.No.6541 of 2023

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleased to enlarge the petitioner/accused on bail, in connection with the Crime Nos.75 and 30 of 2023, pending on the file of respondent Police.

In both Crl.O.Ps.

For Petitioner : Mr.T.Ganesan

For Respondent : Mr.C.E.Pratap
Government Advocate (crl.side)



Crl.O.P.Nos.6537 & 6541 of 2023

COMMON ORDER

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The petitioner in Crl.O.P.No.6537 of 2023, who was arrested and remanded to judicial custody on 24.02.2023 for the offences punishable under Sections 170, 420, 506(i) of IPC @ Sections 294(b), 170, 420 and 506(i) of IPC in Crime No.75 of 2022, on the file of the respondent Police, seek bail.

The petitioner in Crl.O.P.No.6541 of 2023, who was arrested and remanded to judicial custody on 09.02.2023 for the offences punishable under Section 379 of IPC @ Sections 170, 171, 379, 420, 468, 471 of IPC in Crime No.30 of 2022, on the file of the respondent Police, seek bail.

2(i). The case of the prosecution in Crl.O.P.No.6537 of 2023 as per the defacto complainant /Manjunath, who is working in HP petrol bunk is that the accused, claiming himself as Assistant Director in the Collector Office, Salem, had filled fuel to a vehicle bearing Registration No.TN 30 AP(G) 6232 for a sum of Rs.1,65,000/- during the period from 31.01.2021 to 25.10.2021 and cheated the defacto complainant. When the defacto complainant had asked him to pay the amount for fuel, the accused has abused the defacto complainant in a filthy language. Hence the case.



Crl.O.P.Nos.6537 & 6541 of 2023

Collector Office, Salem, had filled diesel for a sum of Rs.1,65,000/- from the petrol bunk, where the defacto complainant is working. When the defacto complainant demanded money for the fuel filled by the petitioner, the petitioner has abused him in a filthy language and threatened him. As far as the case in Crime No.30 of 2023 is concerned, the petitioner has committed theft of Government vehicle bearing registration No.TN 30 G 0277 from the premises of Armed Reserve Police Office, whereas, the vehicle has been recovered from the petitioner. However, he opposed for grant of bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record including the First Information Report.

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



Crl.O.P.Nos.6537 & 6541 of 2023

WEB COPY

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, Omalur and Judicial Magistrate No.III, Salem respectively** 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 Tharamangalam Police Station daily morning at 10.30 a.m., and also report before the Hasthampatty Police Station, daily evening 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, 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



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Crl.O.P.Nos.6537 & 6541 of 2023

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.

23.03.2023

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To

1. The Judicial Magistrate,
Omalur.
- 2.The Judicial Magistrate No.III,
Salem.
3. The Inspector of Police,
Tharamangalam Police Station,
Salem District.
- 4.The Inspector of Police,
Hasthampatty Police Station,
Salem District.
- 5.The Central Prison,
Salem.
- 6.The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



WEB COPY



Crl.O.P.Nos.6537 & 6541 of 2023

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Crl.O.P.Nos.6537 & 6541 of 2023

23.03.2023