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Crl.O.P.No.6957 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM

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

Crl.O.P.No.6957 of 2023

Syed Thameem

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Marakkanam Police Station,
Villupuram District.

(Crime No.98 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in Crime No.98 of 2023,
pending on the file of the respondent Police.

For Petitioner : Mr.A.Vivekananthan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested on 02.03.2023 and remanded to judicial custody on 04.03.2023, for the offence punishable under Sections 420 r/w 511 of IPC, in connection with Crime No.98 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused have visited the de-facto complainant's jewellery pawn shop and demanded a sum of Rs.50,000/- by pledging 53 grams of fake jewels. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that even the name of the petitioner does not find place in the First Information Report and he has been arrested only based on the confession recorded from the other arrested accused. He also submitted that the co-accused have been granted bail by the learned Sessions Judge, Villupuram in C.M.P.No.2206 of 2023 dated 20.03.2023 and the entire



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alleged jewels is in the custody of the respondent. He further submitted that the petitioner is in custody from 02.03.2023, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner (A4) along with other accused had attempted to mortgage the spurious jewels and to obtain money from the de-facto complainant. He also submitted that the petitioner is the person who had handed over the fake jewels to the second and third accused to pledge the same in the shop of the de-facto complainant. He further submitted one previous case of similar nature in Crime No.279 of 2022 is pending against the petitioner in Marakanam Police Station. Therefore, he opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that when the petitioner was taken for remand in Crime No.279 of 2022, the learned Magistrate, on finding that the prima facie case not made out against the petitioner, has rejected the same. He further submitted that the petitioner has got a permanent residence and he is prepared to abide by any stringent



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conditions that may be imposed by this Court and he is also ready to appear before the respondent Police for the purpose of investigation.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also considering the fact that the co-accused have been granted bail by the lower Court, this Court is inclined to grant bail to the petitioner with certain condition.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** with **two sureties** (out of which one surety should be a blood related surety and should produce document to show his/her means), for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Tindivanam**, and on further conditions that:



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[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 10.30 a.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.

28.03.2023

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To

1. The Judicial Magistrate No.II,
Tindivanam.
2. The Inspector of Police,
Marakkanam Police Station,
Villupuram District.
3. The Central Jail,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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