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Crl.O.P.Nos.6921 to 6929 & 6931 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.Nos.6921 to 6929 & 6931 of 2023

R.Gnanavelu @ Gnanavel

... Petitioner in all Crl.O.Ps.

Vs.

The State represented by,
The Inspector of Police,
Gudiyatham Town Police Station,
Vellore District.

... Respondent in all Crl.O.P.s.

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.218, 319, 360 of 2022, 80 to 84, 86 & 88 of 2023, pending investigation on the file of the respondent Police.

In all Crl.O.P.s.,

For Petitioner : Mr.R.Sankarasubbu

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



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COMMON ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.02.2023, for the offence punishable under Sections 379 r/w 109 of IPC, in connection with Crime Nos.218, 319, 360 of 2022, 80 to 84, 86 & 88 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution in Crl.O.P.No.6921 of 2023 as per the *de-facto* complainant, Buvanisha, is that on 06.04.2022, her two wheeler TVS Scooty Zest, bearing registration No.TN-23-CY-6917 was found missing. Based on her complaint, a case in Crime No.218 of 2022 came to be registered for the offence punishable under Section 379 of IPC. Later during the course of investigation, it came to light that the petitioner along with the first accused have committed theft of the de-facto complainant's two wheeler, thereby, the case has been altered to one under Sections 379 of IPC r/w 109 IPC. Hence the case.

2.2. The case of the prosecution in Crl.O.P.No.6922 of 2023 as per the *de-facto* complainant, Santhosh Kumar, is that on 26.07.2022, his two



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wheeler Splendor Plus, bearing registration No.TN-23-CY-5073 was found missing. Based on his complaint, a case in Crime No.319 of 2022 came to be registered for the offence punishable under Section 379 of IPC. Later during the course of investigation, it came to light that the petitioner along with the first accused have committed theft of the de-facto complainant's two wheeler, thereby, the case has been altered to one under Sections 379 of IPC r/w 109 IPC. Hence the case.

2.3. The case of the prosecution in Crl.O.P.No.6923 of 2023 as per the *de-facto* complainant, Sambath, is that on 09.07.2022, his two wheeler Hero Honda Splendor Plus, bearing registration No.TN-73-W-0927 was found missing. Based on his complaint, a case in Crime No.360 of 2022 came to be registered for the offence punishable under Section 379 of IPC. Later during the course of investigation, it came to light that the petitioner along with the first accused have committed theft of the de-facto complainant's two wheeler, thereby, the case has been altered to one under Sections 379 of IPC r/w 109 IPC. Hence the case.



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2.4. The case of the prosecution in Crl.O.P.No.6924 of 2023 as per the *de-facto* complainant, Kaleem Ahmadu, is that on 19.02.2023, his two wheeler Hero Passion X Pro, bearing registration No.TN-23-BM-4836 was found missing. Based on his complaint, a case in Crime No.80 of 2023 came to be registered for the offence punishable under Section 379 of IPC. Later during the course of investigation, it came to light that the petitioner along with the first accused have committed theft of the de-facto complainant's two wheeler, thereby, the case has been altered to one under Sections 379 of IPC r/w 109 IPC. Hence the case.

2.5. The case of the prosecution in Crl.O.P.No.6925 of 2023 as per the *de-facto* complainant, Prakash, is that on 17.02.2023, his two wheeler Bajaj Platina, bearing registration No.TN-20-AQ-5604 was found missing. Based on his complaint, a case in Crime No.81 of 2022 came to be registered for the offence punishable under Section 379 of IPC. Later during the course of investigation, it came to light that the petitioner along with the first accused have committed theft of the de-facto complainant's two wheeler, thereby, the case has been altered to one under Sections 379 of IPC r/w 109 IPC. Hence the case.



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2.6. The case of the prosecution in Crl.O.P.No.6926 of 2023 as per the *de-facto* complainant, Thirumal, is that on 18.02.2023, his two wheeler Hero Splendor Plus, bearing registration No.TN-23-CX-2047 was found missing. Based on his complaint, a case in Crime No.82 of 2023 came to be registered for the offence punishable under Section 379 of IPC. Later during the course of investigation, it came to light that the petitioner along with the first accused have committed theft of the de-facto complainant's two wheeler, thereby, the case has been altered to one under Sections 379 of IPC r/w 109 IPC. Hence the case.

2.7. The case of the prosecution in Crl.O.P.No.6927 of 2023 as per the *de-facto* complainant, Balaji, is that on 15.02.2023, his two wheeler Hero Honda Splendor Plus, bearing registration No.TN-23-D-3034 was found missing. Based on his complaint, a case in Crime No.83 of 2023 came to be registered for the offence punishable under Section 379 of IPC. Later during the course of investigation, it came to light that the petitioner along with the first accused have committed theft of the de-facto complainant's two wheeler, thereby, the case has been altered to one under Sections 379 of IPC r/w 109 IPC. Hence the case.



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2.8. The case of the prosecution in Crl.O.P.No.6928 of 2023 as per the *de-facto* complainant, Kalaiselvan, is that on 16.02.2023, his two wheeler Hero Honda Splendor Plus, bearing registration No.TN-23-BQ-5125 was found missing. Based on his complaint, a case in Crime No.84 of 2023 came to be registered for the offence punishable under Section 379 of IPC. Later during the course of investigation, it came to light that the petitioner along with the first accused have committed theft of the de-facto complainant's two wheeler, thereby, the case has been altered to one under Sections 379 of IPC r/w 109 IPC. Hence the case.

2.9. The case of the prosecution in Crl.O.P.No.6929 of 2023 as per the *de-facto* complainant, Shakil, is that on 14.02.2023, his two wheeler TVS XL 100, bearing registration No.TN-23-CY-2980 was found missing. Based on his complaint, a case in Crime No.86 of 2023 came to be registered for the offence punishable under Section 379 of IPC. Later during the course of investigation, it came to light that the petitioner along with the first accused have committed theft of the de-facto complainant's two wheeler, thereby, the case has been altered to one under Sections 379 of IPC r/w 109 IPC. Hence the case.



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2.10. The case of the prosecution in Crl.O.P.No.6931 of 2023 as per the *de-facto* complainant, Ravi, is that on 12.02.2023, his two wheeler Hero Splendor Plus, bearing registration No.TN-23-M-2692 was found missing. Based on his complaint, a case in Crime No.88 of 2023 came to be registered for the offence punishable under Section 379 of IPC. Later during the course of investigation, it came to light that the petitioner along with the first accused have committed theft of the de-facto complainant's two wheeler, thereby, the case has been altered to one under Sections 379 of IPC r/w 109 IPC. Hence the case.

3. Mr.R.Sankarasubbu, learned Counsel for the petitioner submitted that the petitioner is an innocent person, who is working as a District Reporter in Polimer news channel and he has been falsely implicated in this case. He further submitted that the petitioner has been arrested only based on the confession statement recorded from the first accused/Dharani and other than that, no other materials are available as against the petitioner in these cases. He also submitted that the petitioner being the news reporter, had recorded and telecasted news about the illegal activities and other crimes



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committed by the police personnels and thereby, the respondent Police, in order to wreak vengeance, has implicated the petitioner in these cases. He further submitted that based on these cases, the respondent Police have also taken steps to detain the petitioner under Act 14, thereby, the wife of the petitioner, Latha, had moved the writ petition in W.P.No.7804 of 2023 before this Court and this Court, by an order dated 13.03.2023, had issued a direction to the respondent Police not to take any action for detaining the petitioner herein under Act 14 for a period of two weeks.

4. Learned counsel for the petitioner further submitted the co-accused (A1) in this case has been granted bail by the learned Judicial Magistrate, Gudiyatham in Crl.M.P.No.1283 of 2023 vide order dated 14.03.2023. He also submitted the petitioner was arrested on 22.02.2023 and he is in custody for more than a month, hence, he prayed for grant of bail to the petitioner.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner, who claims to the News Reporter Polimer News Channel, along with other accused had committed



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theft of several two wheelers within Gudiyatham Range. He also submitted that based on the confession statement recorded from the petitioner and other accused, all the two wheelers have been recovered from their custody. He also submitted that investigation in these cases are pending, therefore, he opposed for grant of bail to the petitioner.

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 period of incarceration undergone by the petitioner, 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.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Gudiyatham**, 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 appear before the learned Judicial Magistrate, Gudiyatham, on all working days 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 ,
Gudiyatham.
2. The Inspector of Police,
Gudiyatham Town Police Station,
Vellore District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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