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Crl.O.P.No.7060 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM

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

Crl.O.P.No.7060 of 2023

Sathya

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thachampet Police Station,
Tiruvannamalai District.

(Crime No.32 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.32 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.K.Narayanan

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



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ORDER

The petitioner, who was remanded to judicial custody on 21.02.2023 for the offences punishable under Sections 392, 394 of IPC @ Sections 395, 397 of IPC @ Sections 395, 397, 412 of IPC, in Crime No.32 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused, by assaulting the de-facto complainant with iron rod and also by threatening him, have robbed a Maruti Swift car bearing registration No.TN 74 Q 4770, a mobile phone and a sum of Rs.5000/- from the de-facto complainant. 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 also submitted that other than that his brother's car was used in the offence, the petitioner has no connection with the crime. He also submitted that the petitioner is studying B.Sc., Visual Communication in the American College, Madurai. He further submitted that the co-accused in this case has been granted by this Court in Crl.O.P.No.6949 of 2023 vide order dated



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27.03.2023. He also submitted that there is no specific allegation made as against the petitioner and he is in custody from 21.02.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the accused, by assaulting the de-facto complainant with iron rod and also be threatening him, have robbed a Maruti Swift car bearing registration No.TN 74 Q 4770, a mobile phone and a sum of Rs.5000/- from the de-facto complainant. He also submitted that the petitioner is well aware of the crime committed by other accused. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking



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note of the age of the petitioner and the fact that the petitioner is the college student and also considering the period of incarceration undergone by the petitioner, 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** (out of which one surety should be either father or mother of the petitioner), for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Tiruvannamalai**, 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 stay at Madurai and report before the Inspector of Police, Tallakulam Police Station, everyday at 07.00 .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;



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[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.

31.03.2023

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To

1. The Judicial Magistrate No.I, Tiruvannamalai.
2. The Inspector of Police,
Thachampet Police Station,
Tiruvannamalai District.
3. The Central Prison, Vellore.
4. The Inspector of Police,
Tallakulam Police Station,
Madurai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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