



Crl.O.P.Nos.7227, 7228 & 7229 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

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

Crl.O.P.Nos.7227, 7228 & 7229 of 2023

Sanjay

... Petitioner in Crl.O.P.s.,

Vs.

The State represented by,
The Sub-Inspector of Police,
Cheyyar Police Station,
Tiruvannamalai District,
Tamil Nadu.

(Crime Nos.385, 323 & 383 of 2022).

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

Prayer in Crl.O.P.No.7227 of 2023 : Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner/accused on bail, in connection with the Crime No.385 of 2022, pending investigation on the file of the respondent Police.

Prayer in Crl.O.P.No.7228 of 2023 : Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner/accused on bail, in connection with the Crime No.323 of 2022, pending investigation on the file of the respondent Police.



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Prayer in Crl.O.P.No.7229 of 2023 : Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner/accused on bail, in connection with the Crime No.383 of 2022, pending investigation on the file of the respondent Police.

In all Crl.O.P.s.,

For Petitioner : Mr.K.Suresh Babu

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

COMMON ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.03.2023 for the offences punishable under Section 392 @ Sections 392, 414 r/w 34 of IPC, in Crime Nos.385, 323 & 383 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution in Crl.O.P.No.7227 of 2023, as per the de-facto complainant Vaishna Priya is that while she was returning back to her home in her two wheeler, two unknown persons, who had come in a two wheeler, had snatched 7 ¼ sovereigns of gold jewels from her. Based on her complaint, a case in Crime No.385 of 2022 came to be registered for the offence under Section 392 of IPC. Later during the course of investigation, it



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came to light that the accused A1 & A2 have committed robbery with the de-facto complainant and A3 has received the stolen property from A1 & A2, thereby, the case has been altered to one under Sections 392, 414 r/w 34 of IPC. Hence the case.

2.2 The case of the prosecution in Crl.O.P.No.7228 of 2023, as per the de-facto complainant Vasuki is that while she was returning back from work in her two wheeler, two unknown persons, who had come in a two wheeler, had snatched 7 sovereigns of gold chain from her. Based on her complaint, a case in Crime No.323 of 2022 came to be registered for the offence under Section 392 of IPC. Later during the course of investigation, it came to light that the accused A1 & A2 have committed robbery with the de-facto complainant and A3 has received the stolen property from A1 & A2, thereby, the case has been altered to one under Sections 392, 414 r/w 34 of IPC. Hence the case.

2.3. The case of the prosecution in Crl.O.P.No.7229 of 2023, as per the de-facto complainant, Ambika, is that while she was going in her two wheeler, two unknown persons, who had come in a two wheeler, had



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snatched 5 sovereigns of gold chain from her. Based on her complaint, a case in Crime No.383 of 2022 came to be registered for the offence under Section 392 of IPC. Later during the course of investigation, it came to light that the accused A1 & A2 have committed robbery with the de-facto complainant and A3 has received the stolen property from A1 & A2, thereby, the case has been altered to one under Sections 392, 414 r/w 34 of IPC. 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 only based on the confession statement recorded from the other accused, the petitioner has been arrested in this case and other than the alleged confession statement, no other materials is available as against the petitioner. He further submitted that the fact remains is that the respondent has approached the petitioner, who is running Pawn Broker business in Karanodai, and demanded 5 sovereigns of gold in order to produce in some other case and when the petitioner has refused to do so, the respondent has implicated the petitioner in these cases. He also submitted that the police custody of the petitioner was already taken and he was remanded back to the judicial custody. He further submitted that other than these three cases, no



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case is pending as against the petitioner. He also submitted that the petitioner is in custody from 15.03.2023 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 first and second accused have committed a robbery by snatching chain from the victims while they were going in their two wheeler and as far as this petitioner is concerned, he had received the stolen jewels from the first and second accused. He further submitted that police custody of the petitioner was already taken and no recovery has been made from the accused. He also submitted that investigation is still pending, 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



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case, the submissions made by the learned counsel on either side, taking note of the fact that the police custody of the petitioner was taken 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** in each crime number, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Cheyyar**, 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 respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday 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



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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.

31.03.2023

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To

1. The Judicial Magistrate,
Cheyyar.
2. The Sub-Inspector of Police,
Cheyyar Police Station,
Tiruvannamalai District.
3. The Vellore Prison.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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