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Crl.O.P.No.8084 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

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

Crl.O.P.No.8084 of 2023

Ajithkumar

... Petitioner

Vs.

The State of Tamil Nadu
Rep. By the Inspector of Police,
Bargur Police Station,
Krishnagiri District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation of the case
connected with Crime No.58 of 2023 on the file of the Inspector of Police,
Bargur Police Station, Krishnagiri District.

For Petitioner : Mr.M.Illiyas

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.03.2023, for the alleged offences punishable under Sections 392 of IPC @ Section 120(B), 342, 392, 395, 450 of IPC, in Crime No.58 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant Mathesh is that, he is working as a Sales Man in the Tasmac Shop. On 19.03.2023, after counting the cash, it was tallied to Rs.3,97,420/-. At that time, accused had entered into the shop and by threatened the defacto complainant and robbed an amount of Rs.3,97,420/- and escaped from the scene of occurrence. The entire incident has been recorded in the CCTV footage. Hence, the case.

3. The learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that, petitioner had gone to the place only for consuming liquor, whereas, on suspicion, petitioner was falsely roped in this case. Petitioner was arrested on 22.03.2023 and he is in custody for 23 days and he



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is prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) submitted that, petitioner along with other accused entered into the Tasmac Shop and robbed a sum of Rs.3,97,420/- by threatening the defacto complainant with knife. He further submitted that, out of 10 accused, A1 to A6 were arrested, others are absconding. He further submitted that, apart from this case, there is no previous case pending against the petitioner. However, inadvertently in the lower Court Order it is wrongly stated as there are two previous cases pending against the petitioner. However, he opposed for granting 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 entire 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 also considering the period of incarceration undergone by the petitioner, this



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Court is inclined to grant bail to the petitioner with certain condition.

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 shall be a blood related sureties)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate I, Krishnagiri**, 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 daily at 10.30 a.m., and 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



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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.

13.04.2023

sma

To

1. Judicial Magistrate No.1, Krishnagiri.
2. The Inspector of Police,
Bargur Police Station,
Krishnagiri District.
3. The Central Prison,
Krishnagiri
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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