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Crl.O.P.No.8298 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

CORAM

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

Crl.O.P.No.8298 of 2023

1.Kuppusamy

2.Siva

... Petitioners

Vs.

State represented by
The Inspector of Police,
Kadaladi Police Station,
Thiruvannamalai Dt.

(Crime No.402 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail, in the case pending investigation in
Crime No.402 of 2022 on the file of the respondent police.

For Petitioner : Mr.M.Neelakandan

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 05.04.2023, for the offences punishable under Section 392 IPC Act in Crime No.402 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant /Vinoth Kumar given a complaint before the respondent police alleging that on 30.11.2002 while he was returning from Rice Mill, three persons waylaid him and robbed his mobile phone worth about Rs.13,500/-. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that petitioners are innocent persons and they are no way connected with the alleged offence. He also further submitted that the father of the defacto complainant Venkatraman filed O.S.No.349 of 2020 on the file of the Subordinate Court, Chengam against the father of the second petitioner and others and the suit was dismissed for default. The petitioners & the defacto complainant belong to the same village, however due to enmity, the defacto complainant has given a false complaint as if the petitioners are strangers and



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not known and based on the false complaint, the petitioners were arrested.

He would also submit that the petitioners are ready to abide by any stringent conditions imposed that may be imposed by this Court and they are in judicial custody from 05.04.2023. Hence, he prayed to grant bail to the petitioners.

4. Learned Government Advocate (Crl.side) appearing for the respondent police would submit that petitioners waylaid the defacto complainant and robbed his mobile phone worth about Rs.13,500/-. He also further submitted that there is no previous case pending against the petitioners and the petitioners are residents of the same village. However, he vehemently opposed to grant bail to the petitioners.

5. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl.side) and perused the materials available.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioners and also considering the period of incarceration undergone by the petitioners



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from 05.04.2023, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are 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**, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate Court, Kalasapakkam**, 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 petitioners shall report before the respondent police 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 petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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



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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.

17.04.2023

gbi

To

1. The District Munsif cum Judicial Magistrate Court,
Kalasapakkam.
2. The Inspector of Police,
Kadaladi Police Station,
Thiruvannamalai Dt.
3. The Central Jail,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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