



WEB COPY



Crl.O.P.No.8388 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM

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

Crl.O.P.No.8388 of 2023

Rajesh

... Petitioner

Vs.

The Inspector of Police,
Marakkanam Police Station,
Villupuram District.
Crime No.98 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.98 of 2023 on the file of
the Inspector of Police, Marakkanam Police Station, Villupuram District.

For Petitioner : Mr.S.Sekar

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 04.03.2023 for the offences punishable under Sections 420 and



Crl.O.P.No.8388 of 2023

511 of IPC in Crime No.98 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused have visited the de-facto complainant's jewellery pawn shop and demanded a sum of Rs.50,000/- by pledging 53 grams of fake jewels. 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 further submitted that he has nothing to do with the alleged offence. He also submitted that the co-accused has been granted bail by this Court in Crl.O.P.No.6957 of 2023 dated 28.03.2023 and the entire alleged jewels is now in the custody of the respondent. He further submitted that the petitioner is in custody from 04.03.2023, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner (A1) along with other accused had attempted to mortgage the spurious jewels and to obtain money from the



Crl.O.P.No.8388 of 2023

de-facto complainant. He also submitted that the petitioner is the mastermind in this case and under the guidance of this petitioner, A2 and A3 came to the shop of the defacto complainant for pledging the fake jewels. He further submitted the petitioner is the main accused in this case and if the petitioner is granted bail at this stage, there is every possibility for the petitioner to tamper the witnesses and hamper the investigation. Therefore, he opposed for grant of 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 either side and also considering the fact that the co-accused has been granted bail by this Court, this 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.25,000/- (Rupees Twenty five**



Crl.O.P.No.8388 of 2023

thousand only) with two sureties (out of which one surety should be a blood related surety and should produce document to show his/her means), for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Tindivanam**, 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., 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]*;



WEB COPY



CrI.O.P.No.8388 of 2023

[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

19.04.2023

vk

To

1. The Judicial Magistrate No.II, Tindivanam.
2. The Inspector of Police,
Marakkanam Police Station,
Villupuram District.
3. The Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.8388 of 2023

A.D.JAGADISH CHANDIRA.,J.

vk

Crl.O.P.No.8388 of 2023

19.04.2023