



Crl.O.P.No.9254 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

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

Crl.O.P.No.9254 of 2023

Jayakar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal District.

(Crime No.391 of 2022).

... Respondent

PRAYER: 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.391 of 2022, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.D.Senthil Kumar

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 16.03.2023, for the offences punishable under Section 392 of IPC, in Crime No.391 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant/Radha is that on 31.12.2022, while she was walking alone on Siddhalandur road, an unidentified person, aged about 22 years, has snatched her 3 sovereigns of gold chain and ran away from the scene of occurrence. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is an engineering graduate, presently working in a private company in Chennai for a monthly salary of Rs.12,000/-. He also submitted that the petitioner is no way connected with the alleged offence, however, he has been falsely implicated in this case on mistaken identity. He further submitted that the alleged occurrence is stated to have been taken place on 31.12.2022 and without any incriminating materials, the petitioner was arrested on suspicion on 16.03.2023. He further submitted that



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the petitioner is in judicial custody from 16.03.2023 and the major part of the investigation has been completed. He also submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for respondent submitted that on 31.12.2022, the petitioner had snatched 3 sovereigns of gold chain belonging to the defacto complainant. He further submitted that there are ample materials to show that the petitioner was present at the scene of occurrence and there are CCTV footages and apart from that, the tower location of the petitioner's mobile phone also shows that the petitioner was present at the phase of occurrence during the relevant time. Hence, 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



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case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, 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 Thousand only)** with **two sureties** (out of which, one surety should be either father or mother of the petitioner) each for a like sum to the satisfaction of the **learned Judicial Magistrate, Tiruchengode** 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;



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[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]***;

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

26.04.2023

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To

1. The Judicial Magistrate,
Tiruchengode.
2. The Inspector of Police,
Tiruchengode Rural Police Station,
Namakkal District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Vkr

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