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CrI.OP.No.10016 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.10016 of 2023

M.Vasantha Kumar

... Petitioner/ sole accused

Vs.

State rep. by Inspector of Police,  
Sirumugai Police Station,  
Coimbatore District  
Crime No.345 of 2022

... Respondent

**PRAYER:**

Criminal Original Petition is filed under Section 439 of Cr.P.C.  
praying to release the petitioner on bail in crime No.345 of 2022  
pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Radha Pandian

For Respondent : Mr.A.Damodaran,  
Additional Public Prosecutor



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### **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 26.12.2022 for the offence punishable under Sections 302 and 380 of IPC in Crime No.345 of 2022 on the file of the respondent police, seeks bail

2. The case of the prosecution is that on 21.12.2022, the petitioner entered the house of the deceased and attacked with knife. Thereafter, he took away gold jewels worth Rs.1,20,000/- Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.

4. The Additional Public Prosecutor appearing for the respondent police would submit that the respondent completed



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investigation and filed final report, which is pending for committal in PRC.No.11 of 2023 on the file of the Judicial Magistrate, Mettupalayam.

5. It is seen that the petitioner is the sole accused and his mother is a tailor, who directed him to deliver a stitched cloth to the deceased. After handing over the blouse, he attacked the deceased with knife and had taken gold jewels worth Rs.1,20,000/-. The petitioner was arrested and remanded to judicial custody on 26.12.2022. The occurrence happened on 21.12.2022. Now the respondent completed investigation and filed final report, which is pending for committal in PRC.No.11 of 2023 on the file of the Judicial Magistrate, Mettupalayam.

6. Considering the facts and circumstance of the case and also considering the period of incarceration by the petitioner i.e. from 26.12.2022, this Court is inclined to grant bail to the petitioner.

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



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only) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Mettupalayam 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 court i.e. Judicial Magistrate Court, Mettupalayam daily at 10.30 a.m. and 05.30 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 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]**.



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

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**G.K.ILANTHIRAIYAN, J.**

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To

1.The learned Judicial Magistrate,  
Mettupalayam

2.Inspector of Police,  
Sirumugai Police Station,  
Coimbatore District

3.Central Prison  
at Coimbatore

4.The Public Prosecutor,  
High Court of Madras,  
Chennai

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