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Crl.OP.No.10368 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

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

Crl.O.P.No.10368 of 2023

R.Balaji

..Petitioner

Vs.

The State Represented by
The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
(Crime No.311 of 2022)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime Number 311 of 2022 on the
file of the Respondent police.

For Petitioner : Mr.T.Dhasarathan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on
02.03.2023 for the offence punishable under Sections 450, 342, 395 r/w 397 of
IPC, in Crime No.311 of 2022 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner along with other accused trespassed into the house of the defacto complainant, threatened at knife point and committed robbery to the tune of Rs.28,00,000/-, gold jewels weighing 18 sovereigns. Hence, the present 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. He would further submit that the petitioner has been suffering incarceration from 02.03.2023 and in order to show his bonafide, the petitioner is ready and willing to deposit the original title deeds of immovable property worth about Rs.25 Lakhs to the credit of crime number and he is also ready to abide by any stringent conditions that may be imposed against him. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner along with other accused trespassed into the house of the defacto complainant, threatened at knife point and committed robbery to the tune of Rs.28,00,000/-, gold jewels weighing 18 sovereigns. Now, they have recovered only Rs.11,00,000/- from other accused.



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The co-accused were already granted bail by this Court. However, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, and also considering the period of incarceration undergone by the petitioner from 02.03.2023, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to **deposit original title deed** stands in the name of the petitioner or in name of his friends or relatives (**not less than Rs.25,00,000/-**) along with the **valuation certificate obtained from the authority concerned** to the credit of Crime No.311 of 2022, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to their right of defence and on such deposit, 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**, each for a like sum to the satisfaction of the learned Judicial Magistrate, Kumarapalayam, Namakkal District 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



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Aadhar card or Bank pass Book to ensure their identity.

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[b] the petitioner shall **deposit original title deed** stands in the name of the petitioner or in name of his friends or relatives (**not less than Rs.25,00,000/-**) along with the **valuation certificate obtained from the authority concerned** to the credit of Crime No.311 of 2022, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to their right of defence.

[c] the petitioner shall report before the respondent Police daily at 10.30 a.m., and 05.00 p.m, for a period of four weeks and thereafter as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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]**.

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

05.05.2023

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To

1 The Judicial Magistrate, Kumarapalayam, Namakkal District

2. The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.

3. The Central Prison,
Salem.

4. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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