



Crl.O.P.No.10776 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

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THE HON'BLE MR. JUSTICE **A.A.NAKKIRAN**

Crl.O.P.No.10776 of 2023

Peddineni Vamsi @ Thirupathysamy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Karumalaikoodal Police Station,
Salem District - 636 402.

(Crime No.296 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.296 of 2022, pending investigation on the file of the respondent
Police.

For Petitioner : M/s.B.Sharmila

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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Crl.O.P.No.10776 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.01.2023, in connection with Crime No.296 of 2022, registered for the alleged offences punishable under Sections 457 & 380 of IPC, on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Muralidharan is that some one has broke open his house and committed theft of gold jewels from his house. Based on his complaint, a case in Crime No.296 of 2022 came to be registered for the offence under Sections 454 & 380 of IPC. 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 the petitioner is no way connected with the alleged offence and he has been falsely roped into this case. He also submitted that even in the First Information Report, name of the petitioner does not find place and the respondent had arrested the petitioner, only based on the suspicion. He further submitted that the investigation has been completed



Crl.O.P.No.10776 of 2023

and the petitioner is in custody from 23.01.2023. He also submitted that the petitioner is ready to abide by any other stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner, by trespassing into the house of the de-facto complainant, had committed theft of gold jewels. He further submitted that investigation has been completed and the case has been taken up in C.C.No.69 of 2023. He further submitted that the petitioner is the resident of Chittoor and he has 96 previous cases in and around Andhra Pradesh. Therefore, if he is released on bail, there is every possibility of the petitioner to abscond and derail the progress of trial. Hence, he vehemently opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, to show his bonafide, without prejudice to his defence and contention, is ready and willing to deposit the original title deeds of an immovable property worth about Rs.10 lakhs, before the Court concerned. Therefore, he prayed to grant bail to the petitioner.



Crl.O.P.No.10776 of 2023

WEB COPY

6. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration suffered by the petitioner and also considering the fact that the petitioner is volunteered to deposit original title deeds of an immovable property worth about Rs.10 lakhs to the credit of crime number, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, **the petitioner is directed to deposit the original title deeds of an immovable property not less than the value of Rs.10 lakhs (standing in the name of the petitioner or his relatives) to the credit of Crime No.296 of 2022**, without prejudice to his rights and contentions, before the trial Court 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**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Mettur**, and



Crl.O.P.No.10776 of 2023

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 appear before the learned trial Judge concerned on all working days at 10.30a.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]*;

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

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Crl.O.P.No.10776 of 2023

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To

1. The Judicial Magistrate No.II,
Mettur.
2. The Inspector of Police,
Karumalaikoodal Police Station,
Salem District - 636 402.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.10776 of 2023

A.A.NAKKIRAN.,J.

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Crl.O.P.No.10776 of 2023

17.05.2023