



CrI.O.P.No.10856 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

CrI.O.P.No.10856 of 2023

Ganesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sipcot Police Station,
Krishnagiri District.
(Crime No.86 of 2023)

... Respondent

Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.86 of 2023, on the file of
the respondent police Station.

For Petitioner : Mr.S.Varanesh

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 04.04.2023, in connection with Crime No.86 of 2023 registered for the
offence punishable under Section 395 of IPC seeks bail.



CrI.O.P.No.10856 of 2023

WEB COPY

2. The case of the prosecution as per the de-facto complainant is that, on 02.04.2023, the petitioner and other accused committed the offence of dacoity by taking the two wheeler and cellphone from the defacto complainant on knife point and flew away from the place of occurrence. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped into this case. He further submitted that the petitioner has undergone 42 days of incarceration and is no way connected with the alleged offence and he is in judicial custody from 04.04.2023. He also submitted that the petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed on him. Hence, he prayed for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent submitted that totally there are seven accused in this case. The petitioner herein is arrayed as A6. There is no previous case pending against the petitioner. He further submitted that statement of three witnesses have



CrI.O.P.No.10856 of 2023

been recorded and investigation in this case is pending. Hence, he opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case, the submissions made by learned counsel on either side and also considering the period of incarceration undergone by the petitioner and also the fact that there is no previous case against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Hosur** 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 daily at 10.30 a.m., until further orders;



CrI.O.P.No.10856 of 2023

[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.

17.05.2023

gd/arb



CrI.O.P.No.10856 of 2023

WEB COPY

To

1. The Judicial Magistrate No.II, Hosur.
2. The Inspector of Police,
Sipcot Police Station,
Krishnagiri District.
3. The Sub-Jail, Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.10856 of 2023

A.A.NAKKIRAN, J.

gd/arb

Crl.O.P.No.10856 of 2023

17.05.2023