



CrI.O.P.No.10855 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

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

CrI.O.P.No.10855 of 2023

T.Tamilselvan @ Tamil

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vellore North Crime Police Station,
Vellore District.

(Crime No.3 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in Crime No.3 of 2023, on
the file of the respondent Police.

For Petitioner : Mr.C.Harish

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



CrI.O.P.No.10855 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.03.2023 for the alleged offence punishable under Sections 341, 294(b), 395, 397, 364, 384 and 506(ii) of IPC, in connection with Crime No.3 of 2023 on the file of the respondent Police, seeks bail.

2. The case of prosecution is that on 04.01.2023, around 07.45 p.m., when the defacto complainant along with his friend went to Konavattam to purchase rice for his poultry farm in a four wheeler, the petitioner along with other accused have waylaid them and on showing knife, they have robbed a sum of Rs.20,000/-, Mahindra van and 3 cell phones from them. Hence, the complaint.

3. The learned counsel appearing for petitioner submitted that the petitioner is an innocent person and he has not at all committed any of offence as alleged by the respondent police and due to previous enmity, he has been falsely implicated in this case. He further submitted that the investigation is almost completed and the co-accused in this case has already



Crl.O.P.No.10855 of 2023

been granted bail by this Court in Crl.O.P.No.1785 of 2023 on 07.02.2023.

Hence, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police would submit that totally, there are 6 accused involved in this case and the petitioner is arrayed as A1. He would further submit that on the date of occurrence, the petitioner along with other accused waylaid the defacto complainant's vehicle and on showing knife, they robbed a sum of Rs.20,000/-, Mahindra van and 3 cell phones from him and now vehicle was recovered. He would submit that A4 was granted bail by this court. He would submit that four witnesses have been examined and the proceedings have been initiated against the petitioner under Goondas Act. Hence, he vehemently opposed to grant bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner, without prejudice, is ready and willing to deposit a sum of Rs.10,000/- to the credit of Crime Number and he is also ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner,



CrI.O.P.No.10855 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 also taking note of the period of incarceration undergone by this petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.3 of 2023**, without prejudice to his rights and contentions before the trial Court, 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 No.IV, Vellore**, 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;



CrI.O.P.No.10855 of 2023

[b] the petitioner shall report before the respondent Police, daily at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during the investigation trial;

[d] the petitioner shall not tamper with evidence or witness either during the 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

vk

A.A.NAKKIRAN,J.



WEB COPY



Crl.O.P.No.10855 of 2023

vkrr/ham

To

1. The Judicial Magistrate No.IV,
Vellore.
2. The Inspector of Police,
Vellore North Crime Police Station,
Vellore District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.10855 of 2023

17.05.2023