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CrI.O.P.No.11185 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

CrI.O.P.No.11185 of 2023

Balasubramani

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Palladam Police Station,
Tiruppur.
(Crime No.196 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.196 of 2023, on the file
of the respondent police.

For Petitioner : Mr.Deepan Uday

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 06.03.2023, in connection with Crime No.196 of 2023 registered for the



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offence punishable under Sections 454 and 380 of IPC, seeks bail.

2.The case of the prosecution is that on 20.02.2023, as per the defacto complainant, some unidentified persons were stolen jewels worth about Rs.1,25,000/- from the defacto complainant's house. Hence, the case.

3.Learned counsel for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given against the petitioner. He further submitted that the co-accused was released on bail in CrI.MP.No.571 of 2023 before the learned Principal Sessions Judge, Tiruppur. He further submitted that the petitioner is no way connected with the alleged offence and he is in judicial custody for the past 70 days. Hence, he prayed for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner along with some other persons were stolen jewels worth about Rs.1,25,000/- from the defacto complainant's house. He further submitted that the property was also recovered from the petitioner. However, he opposed for grant of bail to the petitioner.



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5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in incarceration for the past 70 days and eleven witnesses have been examined and also the co-accused was released on bail, 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, Palladam, Tiruppur**, 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;

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

[d] the petitioner shall not tamper with evidence



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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

drl

To

1. The Judicial Magistrate, Palladam,
Tiruppur.
2. The Inspector of Police,
Palladam Police Station,
Tiruppur.
3. The Superintendent, Central Jail,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

drl

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