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CrI.O.P.No.11212 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.11212 of 2023

Rajivgandhi

... Petitioner

Vs.

The State, represented by its,
The Inspector of Police,
Perundurai Police Station,
Erode District.
(Crime No.802 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending investigation in Crime
No.802 of 2022, on the file of the respondent police.

For Petitioner : Mr.K.Myilsamy

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 28.03.2023, in connection with Crime No.802 of 2022 registered for the



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offence punishable under Sections 450 and 392 of IPC, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused had trespassed into the house of the defacto complainant and robbed the gold ornaments weighing about 6 ¼ sovereigns and also robbed two cell phones, totally worth about Rs.72,000/-. Hence, the complaint.

3.Learned counsel for the petitioner submitted that the petitioner is an innocent person and he is working as a police constable and due to some misunderstanding between the petitioner and the Station House Officer, a false complaint has been given against the petitioner. He further submitted that the gold ornaments weighing about five sovereigns have been recovered from the petitioner. He further submitted that the petitioner is no way connected with the alleged offence and he is in judicial custody for the past 50 days. Hence, he prayed for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that there are totally five accused in this case and the petitioner herein is arrayed as A3. He further submits that the petitioner along



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with other accused had trespassed into the house of the defacto complainant and robbed the gold ornaments weighing about 22 sovereigns and also cash, totally worth about Rs.4,00,000/-. He further submitted that the petitioner was the police constable and he has been involved in three cases of similar nature. He further submitted that the gold ornaments weighing about five sovereigns has been recovered from the petitioner. However, he opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in incarceration for the past 50 days and two witnesses have been examined, 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, Perundurai**, and on further conditions that:

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the



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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 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



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To
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1. The Judicial Magistrate,
Perundurai.
2. The Inspector of Police,
Perundurai Police Station,
Erode District.
3. The Superintendent,
Gobichettipalayam District Prison at
Erode District.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

drl

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