



WEB COPY



CrI.O.P.No.11211 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.11211 of 2023

Rajivgandhi

... Petitioner

Vs.

The State, represented by its,
The Inspector of Police,
Chithode Police Station,
Erode District.
(Crime No.526 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.526 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.526 of 2022 registered for the



CrI.O.P.No.11211 of 2023

offence punishable under Sections 451, 392, 397 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 22 sovereigns and also cash, totally worth about Rs.4,00,000/-. 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 22 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 A4. He further submits that the petitioner along



CrI.O.P.No.11211 of 2023

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 have been recovered from the petitioner and a cash of Rs.1,80,000/- has not been recovered. 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 and the property has been recovered, 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.III, Erode**, and on further conditions that:

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



CrI.O.P.No.11211 of 2023

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



Crl.O.P.No.11211 of 2023

WEB COPY

To

1. The Judicial Magistrate No.III,
Erode.
2. The Inspector of Police,
Chithode Police Station,
Erode District.
3. The Superintendent,
Gobichettipalayam District Prison at
Erode District.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.11211 of 2023

A.A.NAKKIRAN, J.

drl

Crl.O.P.No.11211 of 2023

17.05.2023