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CrI.O.P.No.11237 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.11237 of 2023

Dinesh

... Petitioner

Vs.

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

... Respondent

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

For Petitioner : Mr.A.Balamurugan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 05.04.2023, in connection with Crime No.86 of 2023 registered for the



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offence punishable under Section 395 of IPC, seeks bail.

2.The case of the prosecution, as per the defacto complainant is that on 02.04.2023 at about 8.00 a.m, the petitioner along with other accused committed the offence of dacoity by took the two wheeler and also the cellphone from the defacto complainant and his friend at knife point and flew away from the scene of occurrence. Hence, the complaint.

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 submits that based on the confession made by the first accused, the petitioner has been made as accused in this case. 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. He further submits that the petitioner without prejudice his rights, on his own volition, is ready and willing to contribute some amount to any charitable trust as may be directed by this Court and he prayed for grant of bail to the petitioner.



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4.The learned Additional Public Prosecutor appearing for the respondent submitted that there are totally seven accused in this case and the petitioner herein is arrayed as A4. He further submits that the petitioner along with other accused committed the offence of dacoity by took the two wheeler and also the cellphone from the defacto complainant and his friend at knife point and flew away from the scene of occurrence. He further submits that the defacto complainant gave a complaint on 02.04.2023 and the same was registered on 04.04.2023. He further submits that the petitioner has no previous case pending against him. 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 five witnesses have been examined and also the petitioner has no previous case pending against him and also taking note of the fact that the petitioner has prepared to deposit Rs.10,000/- to the credit of Crime Number, this Court is inclined to grant bail to the petitioner with certain conditions.



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6. Accordingly, the petitioner is directed to **deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.86 of 2023** and on such deposit and production of proof, 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;

[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



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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 No.II,
Hosur.
2. The Inspector of Police,
Sipcot Police Station,
Krishnagiri District.
3. The District Prison,
Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.

A.A.NAKKIRAN, J.



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