



Crl.OP.No.11734 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.11734 of 2023

R.Vigneswaran

... Petitioner

Vs.

The State rep. by,
The Inspector of Police,
Ramanathapuram Police Station,
Coimbatore District.
(Crime No.138 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.138 of 2023, on the file
of the Respondent Police.

For Petitioner : Mr.C.A.Ramanan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 03.05.2023 for the offences punishable under Sections 457, 394, 397 and 506(ii) I.P.C. in Crime No.138 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the prosecution is that on 06.05.2023 at about 02:00 a.m. the Petitioner / 4th Accused along with the other accused entered into the house of the *de-facto* Complainant, who was residing with his friends. The petitioner and the other accused threatened them with knife and robbed cell phone and a sum of Rs.500/- from the *de-facto* Complainant and his friends. Hence, the *de-facto* Complainant lodged a Police complaint before the Respondent on the same day. Based on which the Respondent/Police registered F.I.R. against the Petitioner / 4th Accused and other accused and arrested the Petitioner.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is a student and he is studying in B.Sc. Food Technology



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in Hindustan College, Coimbatore and the petitioner is an innocent person and he has been falsely implicated in this case. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl.side) appearing for the Respondent objected the submissions made on behalf of the Petitioner by stating that there are four accused in this case. The 2nd and 3rd accused are still absconding. During the time of occurrence, all the accused jointly entered into the *de-facto* Complainant house and robbed the cell phones, which would be worth of Rs.2,85,000 and a sum of Rs.500/- from the *de-facto* Complainant and his friends at knife point. He would further states that three cell phones alone recovered and the investigation is yet to be completed and if the Petitioner is let out on bail, the investigation would be hampered and hence, he opposed the grant of bail.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.



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6. Considering the above facts and circumstances and also considering the period of incarceration suffered by the Petitioner, this Court is inclined to grant bail to the Petitioner with certain conditions:

7. Accordingly, the Petitioner is ordered to be released on bail on his executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one surety shall be a blood surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No-VI, Coimbatore and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the Petitioner shall stay at Chennai and report before the Inspector of Police, C1 Flower Bazaar Police



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Station, Chennai daily at 10.00 a.m. and he should not leave without obtaining proper permission from the Inspector of Police, C1 Flower Bazaar Police Station, Chennai, until further orders;

(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;



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(g) if the Accused thereafter absconds, a fresh FIR
can be registered under Section 229-A IPC.

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Jeni/Mpl

To

1. The Judicial Magistrate No-VI,
Coimbatore.
- 2.The Inspector of Police,
Ramanathapuram Police Station,
Coimbatore District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP,J.

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