



Crl.OP.No.12035 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

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Mugilan

... Petitioner

Vs.

State, rep by Inspector of Police,
Panruti Police Station,
Cuddalore District.(Crime No.656/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the Petitioner on bail in Crime No.656 of 2022 on the file
of the respondent police.

For Petitioner : Mr.K.Raveendran

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 17.04.2023 for the offences punishable under Sections 457 & 380 of I.P.C. in Crime No.656 of 2022 on the file of the Respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused committed theft of 30 sovereigns of gold from the *de-facto* complainant's house. Hence, the complaint.

3. The learned Counsel appearing for the Petitioner would submit that 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 vehemently opposed for grant of bail to the petitioner stating that the petitioner is ranked as A3. The petitioner along with other accused



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had broke open the house of the *de-facto* complainant and committed theft of 30 sovereigns of gold. A1, A2, A4 & A5 were arrested and subsequently released on bail. The stolen property has been recovered from A1. He would further submit that investigation in this case has been completed and charge sheet has also been filed.

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.

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.I, Panruti and on further condition that:



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(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 report before the learned Judicial Magistrate No.I, Panruti on the first working day of every month at 10.00 a.m., 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



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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;

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

25.05.2023

Mpl/Jeni

To

1. The learned Judicial Magistrate No.I, Panruti.
- 2.The Inspector of Police,
Panruti Police Station,
Cuddalore District
3. The Central Jail,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP,J.

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