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Crl.O.P.No.12430 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.12430 of 2023

P.Arun @ Arun Kumar

... Petitioner

Vs.

State Represented by
The Inspector of Police,
Ramanathapuram Police Station,
Coimbatore.
Crime No.92 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.92 of 2023 on the file of
the Inspector of Police, Ramanathapuram Police Station, Coimbatore.

For Petitioner : Mr. N.R.Elango
Senior Counsel
for Mr.Meiyappan Mohan

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 02.05.2023 for the offences punishable under Sections 380 and 414 of IPC, in Crime No.92 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Rajeshwari is that she and A1 Varshini were family friends and they were jointly doing real estate business. While so, on 20.03.2023, A1 went to her house and offered some food mixed with some sedative substance and thereafter, when the defacto complainant was asleep, she called A2/petitioner herein, A3/driver and other persons and committed theft of 100 Sovereigns of gold jewels, 2.5 Crores of cash and a mobile phone. Hence, the case.

3. The learned Senior Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case since he happens to be the friend of the main accused. He further submitted that the alleged occurrence is stated to have been taken place between 20.15 hrs. on 20.03.2023 and 02.00 hrs. on the next day (21.03.2023) but the complaint was given belatedly on 21.03.2023 at 06.00 p.m. He further submitted that A4 who is a similarly placed accused, has



been granted bail by the learned Judicial Magistrate No.6, Coimbatore and that the petitioner was arrested on 02.05.2023 and the further custody of the petitioner may not be required in this case. He further submitted that there is no previous case against the petitioner and that the petitioner who has been suffering from Heart disease and spinal cord disease, has been languishing in jail from 02.05.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) vehemently opposed for grant of bail to the petitioner stating that the petitioner is the friend of A1 and A1 is the business partner of the defacto complainant. While so, on the date of occurrence, A1 had gone to the house of the defacto complainant and offered some food mixed with sedative substance and thereafter, she called the other accused and committed theft of gold jewels and cash from the defacto complainant's house. He further submitted that from the petitioner/A2, Rs.2 lakh cash and 31 Sovereigns of jewels have been recovered and from A4, Rs.5 lakh has been recovered and that the investigation is pending. However, he would submit that A4 has been granted bail by the Court below.



5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the FIR.

6. Considering the facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner and also of the fact that similarly placed accused/A4 has been granted bail by the lower Court and part of stolen properties have been recovered, this Court is inclined to grant of bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.6, Coimbatore**, 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;



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[b] the petitioner report before the respondent police, everyday 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 petitioners 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.

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A.D.JAGADISH CHANDIRA,J.,

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To

1. The Judicial Magistrate No.6,
Coimbatore.
2. The Inspector of Police,
Ramanathapuram Police Station,
Coimbatore.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

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