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Crl.O.P.No.12856 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

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

Crl.O.P.No.12856 of 2023

Pasupathi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Karumathampatty Police Station,
Coimbatore District.

(Crime No.42 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to grant bail to the petitioner in Crime No.42 of 2023 pending
investigation on the file of respondent Police.

For Petitioner : Mr.M.Abdul Kareem

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 22.02.2023, for the offence punishable under Section 394 of IPC @ Sections 394 r/w 397 of IPC, in connection with Crime No.42 of 2023, registered on the file of the respondent, seeks bail.

2. The case of the prosecution as per the *de facto* complainant/Palanivel, is that he is engaged in the money lending business and on 26.01.2023, when he went to the house one Selvarani to collect money, the accused had joined together and attacked the de-facto complainant with patta knife and snatched 3 sovereigns of gold chain and a cash of Rs.20,000/- from him. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped into this case. He further submitted that the petitioner is no way connected with the alleged offence and in order to keep the petitioner under fetters, the respondent had implicated the petitioner in this case. He also submitted that the investigation has been completed and the petitioner is languishing in judicial custody from 22.02.2023 and he is ready to abide by any stringent conditions that may be



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imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner along with other accused had robbed 3 sovereigns of gold chain and a cash of Rs.20,000/- from the de-facto complainant at knife point. He further submitted that only the gold chain has been recovered from the accused and the cash is not yet recovered. He also submitted that investigation in this case has been completed and the final report has also been filed and is yet to be taken on file. He also submitted that four previous cases are pending as against the petitioner, however, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioner, this Court is



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inclined to grant bail to the petitioner with certain condition.

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, Sulur**, 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, everyday at 07.30 p.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



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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.

12.06.2023

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To

1. The Judicial Magistrate,
Sulur.
2. The Inspector of Police,
Karumathampatty Police Station,
Coimbatore.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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