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Crl.O.P.Nos.12751 & 12752 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

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

Crl.O.P.Nos.12751 & 12752 of 2023

B.Praveen
2023

... Petitioner in Crl.O.P.No.12751 of

B.Surendhar
2023

... Petitioner in Crl.O.P.No.12752 of

Vs.

State Represented by
The Inspector of Police,
Ramanathapuram Police Station,
Coimbatore.

Crime No.92 of 2023

... Respondent in both Crl.O.Ps.

Common Prayer: Criminal Original Petitions filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners/accused on bail in Crime No.92 of 2023 on the file of the Inspector of Police, Ramanathapuram Police Station, Coimbatore.

For Petitioner : Mr.Meiyappan Mohan
for M/s.S.B.Priyadharshini
For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)
For Intervener : Mr.A.Sundaravadhanan



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COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 02.05.2023 & 24.04.2023 respectively 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 *de facto* 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 *de facto* complainant was unconscious, she called A2, A3 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. Learned Counsel for the petitioner submitted that the petitioners (A7 & A5 respectively) are innocent persons and they have been falsely implicated in this case, since they happens to be the friends of the main accused. He further submitted that the alleged occurrence is stated to have been taken place on 20.03.2023 at about 20.15 hrs., but the complaint was



given belatedly on 21.03.2023 at 06.00 p.m. He also submitted that similarly placed co-accused (A4) has been granted bail by the learned Judicial Magistrate No.6, Coimbatore and also A2/Arun Kumar was granted bail by this Court in Crl.O.P.No.12430 of 2023 dated 06.06.2023. He further submitted that the petitioners were in custody for more than 40 days and thereby, the further custody of the petitioners may not be required in this case. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) vehemently opposed for grant of bail to the petitioners stating that the petitioners (A7 & A5 respectively) are the friends of A1 and A1 is the business partner of the *de facto* complainant. While so, on the date of occurrence, A1 had gone to the house of the *de facto* complainant and offered some food mixed with sedative substance and when the *de-facto* complainant was unconscious, A1 called other accused and had committed theft of gold jewels and cash from the *de facto* complainant's house. He further submitted that from A5, 31 Sovereigns of jewels have been recovered and no recovery was made from A7. He also submitted that the investigation in this case is still pending.



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

6. Mr.A.Sundaravadhanan, learned counsel for the Intervener submitted that it is the organised crime and the petitioners, who are the persons involved in this theft, were engaged by the main accused (A1). The first accused had gone to the house of the de-facto complainant and offered food mixed with sedative substance and when the de-facto complainant fell unconscious, she along with other accused had entered into her house and looted 100 Sovereigns of gold jewels, 2.5 Crores of cash and a mobile phone. Hence, he vehemently opposed for grant of bail to the petitioners.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, taking note of the fact that similarly placed co-accused A2 & A4 have been enlarged on bail and also part of stolen properties have been recovered, this Court is inclined to grant of bail to the petitioners with certain conditions.



8. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond each 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;

[b] the petitioners shall report before the respondent police, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners 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]***;



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A.D.JAGADISH CHANDIRA,J.,

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[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 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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