



CrI.O.P.No.12964 of 2023

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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**

CrI.O.P.No.12964 of 2023

1. L.Sunil Kumar
2. Francis Dhaniyel @ Abhiya
3. Avula Amose

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Vellakovil Police Station,
Tiruppur District.

(Crime No.65 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioners in C.C.No.38 of 2023 pending on the
file of the learned Judicial Magistrate, Kangeyam, in connection with Crime
No.65 of 2023, on the file of respondent Police.

For Petitioners : Mr.R.Kalaikumar

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 03.03.2023, for the offence punishable under Section 379 of IPC, in connection with Crime No.65 of 2023, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that the accused had followed the de-facto complainant, who had taken a sum of Rs.4lakhs from the bank and when he had parked his two wheeler near the vegetable shop, the accused had committed theft of the cash by breaking open the seat. Hence the case.

3. Learned Counsel for the petitioners submitted that the petitioners (A1, A2 & A3 respectively) are innocent persons and they have been falsely implicated in this case. He further submitted that even as per the prosecution, out of Rs.4 lakhs, a sum of Rs.3,04,000/- has been recovered. He also submitted that the investigation in this case has been completed and the case has also taken up for trial in C.C.No.38 of 2023 on the file of the learned Judicial Magistrate, Kangeyam. He further submitted that the petitioners are in custody from 03.03.2023 and they are also ready to abide by any stringent



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conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners are arrayed as A1, A2 & A3 respectively. He further submitted that the accused had followed the de-facto complainant from the bank and robbed a sum of Rs.4 lakhs from him. He also submitted that out of the robbed amount, a sum of Rs.3,04,000/- has been recovered from the arrested accused. He further submitted that the investigation in this case has been completed and the case has been taken up for trial in C.C.No.38 of 2023 on the file of the learned Judicial Magistrate, Kangeyam. He also submitted that as far as these petitioners are concerned, eight previous cases including four of similar nature are pending against A1, in respect of A2, 2 previous cases registered for the offence under Sections 506(ii) of IPC are pending and in respect of A3, 4 previous cases of similar nature are pending. Hence, he opposed for grant of bail to the petitioners.

5. Heard the learned Counsel for the petitioners and the learned



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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 petitioners, this Court is inclined to grant bail to the petitioners with certain condition.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond each for a sum of **Rs.20,000/- (Rupees Twenty thousand only)** with **two sureties** (out of which, one surety should be the blood related surety), each for a like sum to the satisfaction of the **learned Judicial Magistrate, Kangeyam**, 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 furnish the proof for their permanent address before the learned Magistrate and the learned Magistrate shall satisfy with regard to the same;



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[c] the petitioners shall appear before the before the learned Judicial Magistrate, Kangeyam, on all working days at 10.30 a.m., for a period of four weeks and thereafter, on the dates fixed by the learned trial Judge;

[d] the petitioners shall not abscond during trial;

[e] the petitioners shall not tamper with evidence or witness during trial;

[f] 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]*;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

12.06.2023

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A.D.JAGADISH CHANDIRA.,J.



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To

1. The Judicial Magistrate,
Kangeyam.
2. The Inspector of Police,
Vellakovil Police Station,
Tiruppur District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

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