



Crl.OP.No.15610 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.OP.No.15610 of 2023

Papauram

..Petitioner

Vs.

The State Rep. By
The Inspector of Police (Crime),
G-2, Periamet Police Station,
Chennai.
Crime No.75 of 2023

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No.75 of 2023 on the file of the Respondent Police.

For Petitioner : Mr.D.Vijay Krishna

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.05.2023 for the offences punishable under Sections 454 and 380 of IPC in Crime No.75 of 2023, on the file of the respondent police seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is falsely implicated in a case registered for the offence under Sections 454 and 380 of IPC. Petitioner is in Judicial Custody from 31.05.2023. Thus, he seeks bail.

3. In response, learned Government Advocate (Crl. Side) submitted that, petitioner was a tenant under the defacto complainant from the year 2015 to 2018. Thereafter, petitioner went to Rajasthan and returned in the year 2022. When the petitioner asked the house for rent, defacto complainant told him that, there is no house vacant. Petitioner used to help the defacto complainant by taking his dog for walking, purchasing vegetables from the market etc., For the past 10 days, petitioner was not coming to his house. On 20.04.2023 at about



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08.00.p.m., when defacto complainant wanted to purchase jewels for his daughter, he found that, a sum of Rs.06.25,000/- is missing. Suspecting that, petitioner was the person, who would have taken money, the complaint is given.

4. It is seen from the FIR allegations that, complaint was given under suspicion against the petitioner. So far, cash is not recovered and there is no material to substantiate the case of the prosecution.

5. Considering the fact that the complaint was given only on suspicion that the petitioner had taken the amount and having regard to the fact that the petitioner is in Judicial Custody from 31.05.2023 and that substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties (out of which, one shall be from his native place)**, each for a like sum to the satisfaction of the learned



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Principal District and Sessions Judge at Chennai 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 daily 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 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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[f] If the accused thereafter absconds, a fresh

FIR can be registered under Section 229A IPC.

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To

1. Principal District and Session Judge
Chennai.
2. The Inspector of Police (Crime),
G-2, Periamet Police Station,
Chennai.
3. Puzhal Jail,
Chennai.
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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