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CrI.O.P.No.17011 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

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

CrI.O.P.No.17011 of 2023

Parthiban @ Rajagopal

...Petitioner

Vs.

State by,
The Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai District.
Crime No.433 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in connection with Crime No.433 of 2023 on the file of the The Inspector of Police, Tiruvannamalai East Police Station, Tiruvannamalai District.

For Petitioner : Mr.S.Silambuselvan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.07.2023 for the offence punishable under Section 399 of IPC in Crime No.433 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in Crime No.433 of 2023 for the offence under Section 399 of IPC. He further submitted that, petitioner is innocent and he is falsely implicated in this case, only to harass the petitioner. Petitioner is in judicial custody from 14.07.2023. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor opposes this petition, on the ground that, petitioner is a history sheeter. Therefore, he prays for dismissal of this bail petition.

4. Considered the submissions and perused the records.



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5. The first information report allegations show that, on 14.07.2023 at about 8.00 a.m., near Tirukoilur By-pass road, petitioner with other accused made preparation to commit dacoity. However, there is no material produced to prove the allegation made in the first information report, against the petitioner. So far, no statement of eye witness seems to be recorded.

6. Considering the fact that, there is no material produced to prove the allegation made in the first information report and that petitioner is in judicial custody from 14.07.2023 and that the material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner and 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**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.2, Thiruvannamalai** and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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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 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 in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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



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To

1.The Judicial Magistrate No.2, Thiruvannamalai.

2.The Central Prison,
Vellore.

3.The Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai District.

4.The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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