



Crl.OP.No.17250 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.OP.No.17250 of 2023

1.Vaani

2.Sai

3.Vaithegi

...Petitioners

Vs.

The State Rep by its
The Inspector of Police,
North (Crime) Police Station,
Tiruppur,
(Cr.No.842 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail with the Crime No.842 of 2023
on the file of the respondent Police.

For Petitioners : Mr.R.Rajprabhu

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial



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custody on 26.05.2023 for the offence punishable under Section 379 I.P.C. in Crime No.842 of 2023 on the file of the respondent police, seek bail.

2.The learned counsel for the petitioners submitted that petitioners are falsely implicated as accused in Crime No.842 of 2023 for the offence under Section 379 I.P.C. Petitioners are innocents. They are in judicial custody from 26.05.2023. Therefore, he prays for grant of bail to the petitioners.

3.In response, the learned Government Advocate (Criminal Side) submitted that defacto-complainant mortgaged the jewelleryes of his wife and borrowed a sum of Rs.1,46,000/- from Canara Bank, Manjavadi. They came to Salem and boarded bus to Tiruppur. The accused had also boarded in the bus. When defacto-complainant, his wife and his wife's sisters tried to get down from the bus at about 3.20 p.m. at Tiruppur bus stop, the accused blocked them and the lady just pushed the bag held by his wife. As a result, the clothes and Mango in the bag fell inside the bus. Defacto-complainant gave the money in his possession to his wife and



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was gathering the spilled clothes and mangoes. Thereafter, they get down from the bus in Mannarai bus stop. While verifying the money, it was found that a sum of Rs.65,000/- was missing. The accused were apprehended and a sum of Rs.60,000/- was recovered from them and Rs.5000/- is not recovered. First accused has three similar cases pending. A2 and A3 also had one similar case pending against them.

4.Considered the rival submissions and perused the records.

5.Considering the nature of the offence, the fact that first petitioner is having three similar cases, this Court is not inclined to grant bail to the first petitioner. However, considering the age of second and third petitioner that they are only nineteen years, that most of the amount is recovered and that second and third petitioners are in judicial custody from 26.05.2023, this Court is inclined to grant bail to the second and third petitioners with conditions.

6. Accordingly, the second and third petitioners are ordered to be



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released on bail on their executing a bond for a sum of **Rs.10,000/- each** (Rupees Ten Thousand only) each with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate No.I, Tiruppur**, 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 second and third petitioners shall report before the respondent Police daily at 10.30.a.m., until further orders.

[c] the second and third petitioners shall not abscond either during investigation or trial.

[d] the second and third 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 second and third 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



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[(2005)AIR SCW 5560].

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

7. Petition is dismissed as against the first petitioner.

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G.CHANDRASEKHARAN. J.

To

1.The Judicial Magistrate No.I, Tiruppur.

2.The Inspector of Police,
North (Crime) Police Station,
Tiruppur,

3.District Prison, Tiruppur.

4.The Public Prosecutor,
High Court of Madras.

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