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CrI.OP.No.20107 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.20107 of 2023

Vignesh

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Sooramangalam Police Station,
Salem City,
Salem.
(Crime No.678 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in connection with the case in Crime No.678 of 2023 pending investigation on the file of the respondent Police.

For Petitioner : Mr.W.Gamyles Gandhi

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.07.2023 for the offence punishable under Sections 448 & 392 I.P.C, in Crime No.678 of 2023 on the file of the respondent police, seeks bail.

2. Learned counsel for the petitioner submitted that, petitioner is falsely implicated in this case in Crime No.678 of 2023 for the offences under Section 448, 392 of IPC. Petitioner is innocent. The occurrence said to have taken place on 22.05.2023, but the complaint was given only on 11.07.2023. Petitioner is in judicial custody from 11.07.2023. Thus, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor submitted that, defacto complainant is a woman aged 74 years. She is doing agricultural work in her land, measuring 2.5 acres and earns income from that agriculture land. Defacto complainant saved money and kept it in 14 bundles of 500 rupees notes in the house. She had kept a sum of Rs.2,30,000/- in a separate paper. She informed one Manickam, an Auto driver, about her



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intention to deposit Rs.7,00,000/- in the bank. On the same day, at about 8.10 pm, when she was alone at home, four unknown persons entered into her house and locked the defacto complainant in the kitchen. They had taken Rs.9,30,000/- from her house. He further submitted that, during a routine check-up, respondent police arrested petitioner and found that, he was involved in the robbery committed at the house of the defacto complainant and recovered a sum of Rs.2,40,000/- from him. However, the remaining amount is not recovered, so far. There are totally 6 accused in this case. Thus, he prays for dismissal of this petition.

4.Considered the rival submissions and perused the records.

5. This is the second bail petition filed by the petitioner. Earlier bail petition filed by the petitioner was dismissed on 11.08.2023 by this Court in Crl.O.P.No.18343 of 2023. Though, all the accused were arrested in this case, only a sum of Rs.2,40,000/- was recovered from the accused.



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6. When queried, the learned Additional Public Prosecutor on instructions from Mr.Kumar, Grade I Police Constable submitted that, accused had spent the balance amount.

7. In the said circumstances, considering the duration of the custody of the petitioner ie, from 11.07.2023 and that substantial part of the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner.

8. 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Salem**, 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.



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[b] the petitioner shall report before the respondent Police morning at 10.00.a.m., and evening at 5.00 p.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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Sma/Apd



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G.CHANDRASEKHARAN. J.

Sma/Apd

To

- 1.The Judicial Magistrate No.II,
Salem.
- 2.The Inspector of Police,
Sooramangalam Police Station,
Salem City,
Salem.
- 3.Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court of Madras

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