



CrI.OP.No.20212 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

CORAM

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

CrI.OP.No.20212 of 2023

Vaani

...Petitioner

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 petitioner on bail with the Crime No.842 of 2023 on the file of the respondent Police.

For Petitioner : Mr.R.Rajprabhu

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.05.2023 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.



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2.The learned counsel for the petitioner submitted that petitioner is falsely implicated as an accused in Crime No.842 of 2023 for the offence under Section 379 I.P.C. Co-accused had been granted bail by this Court in Crl.O.P.No.17250 of 2023. Petitioner is in judicial custody from 25.05.2023. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Additional Public Prosecutor submitted that, defacto-complainant mortgaged the jewellerys 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 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



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apprehended and a sum of Rs.60,000/- was recovered from them and Rs.5000/- is not recovered. Petitioner has three similar previous cases. Investigation in this case is completed and final report is also filed before the concerned Court.

4. Considered the rival submissions and perused the records. It is the second bail petition filed by the petitioner. This Court on 03.08.2023, dismissed the petitioner's bail petition on the ground that, petitioner has three similar previous cases pending against him. Now, it is informed that, investigation in this case is completed and final report is also filed before the concerned Court. In the said circumstances and also considering the duration of the judicial custody of the petitioner ie from 25.05.2023, this Court is inclined to grant bail to the petitioner.

5. 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) each with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate No.I, Tiruppur**, and on further



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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 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.

05.09.2023

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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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G.CHANDRASEKHARAN. J.

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