



CrI.OP.No.20487 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.20487 of 2023

1. Mohamed Amrit
2. Sayitha

...Petitioners

Vs.

The State Rep by its
The Inspector of Police,
Sirumugai Police Station,
Coimbatore District.
(Cr.No.263 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.263 of 2023
on the file of the respondent Police.

For Petitioners : Mr.L.Periaswamy

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 31.07.2023 for the offence punishable under Section 394 and 397 I.P.C. in Crime No.263 of 2023 on the file of the respondent police, seek bail.

2.The learned counsel for the petitioners submitted that petitioners are innocent persons and they are falsely implicated in this case. Petitioners are in Judicial Custody from 31.07.2023. Thus, he seeks bail to the petitioner.

3.In response, the learned Additional Public Prosecutor submitted that, on 31.07.2023 at about 08.00.p.m., when the defacto complainant was in her house, A1 and A2 trespassed into his house and robbed 5 sovereigns of gold jewels. The allegations against the petitioners/ A3 & A4 are that, they received the robbed jewels from A1 and A2. Jewels had been recovered. There is no previous case pending against the petitioners.



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4. Considering the allegations made against the petitioners that, they received the robbed property and now that property has been recovered and also having regard to the fact that, petitioners are in Judicial Custody from 31.07.2023 and that, material part of investigation might have been completed, this Court is inclined to grant bail to the petitioners.

5. Accordingly, the petitioners are ordered to be released on bail on their 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, Mettupalayam, Coimbatore**, 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 petitioners shall report before the respondent Police daily at 10.30.a.m., until further orders.



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

[d] the 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 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].

[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. Judicial Magistrate Mettupalayam, Coimbatore.
2. The Inspector of Police,
Sirumugai Police Station,
Coimbatore District.
3. Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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