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CrI.OP.No.20847 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.20847 of 2023

Sharma

...Petitioner

Vs.

The State Rep by
Inspector of Police,
Sirumugai Police Station,
Coimbatore District.
(Crime No.263 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with the case in Crime No.263 of 2023 pending investigation on the file of the respondent Police.

For Petitioner : Mr.I.Periaswamy

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.07.2023 for the offences punishable under Sections 394 and 397 of IPC in Crime No.263 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 registered in Crime No. 263 of 2023 registered for the offences under Sections 394 and 397 of IPC. Petitioner is innocent. Petitioner is in judicial custody from 31.07.2023. Thus, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor submitted that, on 31.07.2023 at about 08.00.p.m., when the defacto complainant was in her house, one person came behind the defacto complainant and covered her face with a cloth, pushed her down, attacked with iron rod and also snatched her 5 sovereign gold jewels. When she was struggling, one person told that, he will inform the ambulance through phone. The voice of person who had attacked the defacto complainant and snatched her



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gold chain was familiar to her and it is the voice of one Sharma, who is the petitioner herein. The stolen property had been recovered. He further submitted that, apart from this case, there is no previous case pending against the petitioner.

4. Considering the fact that the stolen property had been recovered and the fact that, petitioner is in Judicial Custody from 31.07.2023 and that material part of the investigation might have been over by this time, 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) with **two sureties**, each for a like sum to the satisfaction of the **learned 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.



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[b] the petitioner shall report before the respondent Police twice daily at 10.00.a.m., and 05.00.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.

11.09.2023

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To

1. Judicial Magistrate, Mettupalayam, Coimbatore
2. 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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