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Crl.O.P.No.2275 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.2275 of 2024

S. Daniel

... Petitioner

Vs.

The Inspector of Police,
Vellakoil Police Station,
Tiruppur District.
(Crime No. 466 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.466 of 2023 on the file
of the respondent.

For Petitioner : Mr.K. Ragurai

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 28.11.2023, for the offences registered under Sections 392 of IPC altered
to 395,397,120B & 411 of I.P.C in Crime No.466 of 2023 on the file of the
respondent Police, seeks bail.



Crl.O.P.No.2275 of 2024

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2. The case of the prosecution is that on 23.11.2023 a complaint had been received that when the defacto complainant and his family had gone to a wedding ceremony the accused persons have entered into the house of the defacto complainant and stolen 38 soverigns of gold. It is stated in the counter affidavit that 14 witnesses have been examined and statements recorded.

3. The main objection raised against the respondent is that there are 4 previous cases pending against the petitioner, one under the Section 302 of I.P.C. However, three of the cases have been disposed of.

4. Taking all the factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions.

5. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned



Crl.O.P.No.2275 of 2024

Judicial Magistrate, Kangem, Tiruppur District 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 petitioner shall report before the respondent police everyday 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.

12.02.2024

smn



Crl.O.P.No.2275 of 2024

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To

- 1.The **Judicial Magistrate, Kangem, Tiruppur District**
- 2.The Inspector of Police,Vellakoil Police Station, Tiruppur District.
(Crime No. 466 of2023)
- 3.The Central Prison, Coimbatore.
4. The Public Prosecutor, High Court of Madras.



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Crl.O.P.No.2275 of 2024

C.V.KARTHIKEYAN, J.

smn

Crl.O.P.No.2275 of 2024

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