



Crl.O.P.No.5682 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

CORAM

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

Crl.O.P.No.5682 of 2024

1.Yesu @ Vellai

2.Shiva @ Chinnasiva

...Petitioners/Accused 1 & 2

Vs.

State represented by
The Inspector of Police,
Adhiyamankottai Police Station,
Dharmapuri District.

(Crime No.358 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.358 of
2023 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.R.Rajprabhu

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



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ORDER

The petitioners/A1 and A2 in Crime No.358 of 2023, registered by the respondent police for the offences under Sections 454, 380 of IPC and the petitioners were remanded to judicial custody on 31.12.2023 and 25.12.2023 respectively, seek bail.

2.It is stated that on 20.12.2023, the house of the defacto complainant was found broken open and there was theft of gold and silver jewellery and cash of Rs.3,05,000/-. It is also stated that a substantial quantity of jewellery have been seized.

3.The main objection raised is that there are seven previous cases against A1 but however, taking further facts into consideration, namely that investigation has been completed and final report has also been filed and the same has also been taken cognizance as C.C.No.12 of 2024 by the Judicial Magistrate – II, Dharmapuri, I am inclined to grant bail to the petitioners subject to the following conditions:



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4. Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.II, Dharmapuri, Dharmapuri 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 petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of twenty days and thereafter, appear before the Judicial Magistrate No.II, Dharmapuri, on every Monday at 10.30 a.m., till the charges are framed and thereafter, during the Court hearing dates.

[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



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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.

07.03.2024

ata

C.V.KARTHIKEYAN. J.



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To

1. The Judicial Magistrate No.II, Dharmapuri, Dharmapuri District.
2. The Central Prison, Salem.
3. The Inspector of Police,
Adhiyamankottai Police Station,
Dharmapuri District.
4. The Public Prosecutor,
High Court of Madras.

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