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Crl.O.P.No.11953 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2024

CORAM:

**THE HON'BLE MR.JUSTICE R.SAKTHIVEL**

**Crl.O.P.No.11953 of 2024**

R.Jothimani,  
S/o.Ravi.

... Petitioner/Accused 1

Versus

**State rep. by:**

The Inspector of Police,  
Erode Taluk Police Station,  
Erode District.  
(Crime No.126/2024)

... Respondent/Complainant

For Petitioner : Mr.C.S.Saravanan

For Respondent : Ms.M.Sumi Arnica  
Public Prosecutor

**PRAYER:** Criminal Original Petition filed under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to enlarge on bail the petitioner/ accused 1 in Crime No.126 of 2024 on the file of the respondent police.

### **ORDER**

This Criminal Original Petition has been filed by the petitioner on 13.05.2024 under Section 439 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant bail.



2. The petitioner / 1<sup>st</sup> Accused was arrested and remanded to judicial custody on 30.04.2024 for the alleged offences punishable under Sections 394, 397 and 395 of IPC in Crime No.126 of 2024, on the file of the respondent police.

3. The case of the prosecution is that on 12.03.2024 at about 01.30 hours in the midnight, the petitioner/A1 along with other accused committed dacoity of a cellphone worth about Rs.10,000/- and robbed a sum of Rs.1,000/- from the defefacto complainant. Hence, this case.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. The petitioner was not present in the scene of occurrence. He further submitted that the petitioner is in judicial custody since 30.04.2024. The earlier bail application filed by the petitioner was dismissed by the learned Vacation Sessions Judge, Sessions Division, Erode. He further submitted that if this Court grants bail to the petitioner/A1, he is ready to produce local sureties to the satisfaction of the Court. He, therefore, prayed to grant bail to the petitioner.

5. The learned Public Prosecutor appearing for the respondent police



submitted that, there are four previous cases pending against the petitioner/A1 and if bail is granted to the petitioner/A1, he will cause threat to the defacto complainant and also tamper the witnesses. She would further submit that, the property has been recovered. Accordingly, she prayed to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. Considering the facts and circumstances of the case, the fact that the property has been recovered from the accused persons, the submission of the learned counsel appearing for the petitioner that the petitioner is ready to produce local surety and also with a view to give him an opportunity to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for **Rs.25,000/-** (Rupees Twenty Five Thousand only) and furnish two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of **the learned Judicial Magistrate No.I, Erode.**

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;



(iii) The petitioner shall appear and sign before the North Police Station, Erode daily at 10.00 a.m., until further orders;

(iv) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(v) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

**16.05.2024**

Index : Yes/No

Internet : Yes/No

Neutral citation : Yes/No

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**Note:-**

1. Registry is directed to forthwith upload this order in the official website of this Court.
2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.

To

<https://www.mhc.tn.gov.in/judis>



1. The Judicial Magistrate I, Erode.

2. DO THROUGH:

The Sessions Judge, Sessions Division, Erode

3. The Superintendent of Police,  
District Jail, Gobichettipalayam.

4. The Inspector of Police,  
Erode Taluk Police Station,  
Erode District.

5. The Inspector of Police,  
Erode North Police Station,  
Erode District.

6. The Public Prosecutor,  
High Court, Madras.



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**16.05.2024**