



Crl.OP.No.12365 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

THE HONOURABLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.12365 of 2024

1.M.Naveenkumar
2.S.Gowrishankar
3.I.Deepak

... Petitioners

Vs.

State Rep. by :-
The Inspector of Police,
Karungalpalayam Police Station,
Erode,
Erode District.
(Crime No.201/2024)

... Respondent

Prayer : Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail pending investigation in Crime No.201/2024 on the file of the respondent police.

For Petitioners : Mr.G.Sai Narayana Vasam

For Respondent : Mr.R.Vinothraja, GA (Crl. Side)



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ORDER

The petitioners/A1 to A3 who were arrested and remanded to judicial custody on 05.05.2024 for the offence punishable under Section 328 of the Indian Penal Code in Crime No.201 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioners are found in possession of 30 numbers of Tapendatol 100 mg tablets (3 strips) illegally. Hence, this complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are an innocent person and a false complaint has been foisted against them for statistical purpose. Hence, he seeks for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) would submit that there are no records to indicate that the Accused No.2 & 3 are involved in any



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previous cases. The first accused (A1) alone is having one theft case.

Therefore, he submitted that custodial interrogation is required for further investigation.

5. Heard the learned Counsel for the Petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. A perusal of the records shows that the petitioners were attempting to secure bail before the III Additional District Court, Erode at Gobichettipalayam in Crl.M.P.No.1674 of 2024 and it was dismissed on 17.05.2024. The petitioners were arrested and remanded to judicial custody on 05.05.2024 and they have been in judicial custody for more than 10 days since then. Considering the gravity of the offence committed by the petitioners does not warrant custodial interrogation as the petitioners are youngsters aged about 21 & 19 years.



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7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the fact that the petitioner is in judicial custody from 05.05.2024, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are directed to deposit a sum of Rs.15,000/- each (Rupees Fifteen Thousand Only) to the credit of Crime No.201 of 2024 and on such deposit the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- each (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Erode 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 deposit a sum of Rs.15,000/- each (Rupees Fifteen Thousand Only) to the credit of Crime No.201 of 2024 and that the receipt of such payment shall be produced before the concerned Magistrate at



the time of executing the bond;

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[c] the petitioners shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

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

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] 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].



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22.05.2024

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl

To

- 1.State Rep. by :-
The Inspector of Police,
Karungalpalayam Police Station,
Erode,
Erode District.
- 2.The Judicial Magistrate No.I, Erode.
- 3.The Erode District Jail, Gobichettipalayam.
- 4.The Public Prosecutor, High Court of Madras.

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C.SARAVANAN, J.
mtl

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