



Crl.O.P.No.19049 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.08.2024

CORAM :

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

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Balachandar,
S/o.Ulaganathan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Mangalam Police Station,
Tiruppur Dt.
(Crime No.370 of 2022)
Respondent

...

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.370 of 2022 on the file of respondent police.

For Petitioner : Mr.S.Petchiappan

For Respondent : Mr.S.Balaji,
Govt. Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.11.2022 for the alleged offence punishable under Sections 395 and 397 of I.P.C. in Crime No.370 of 2022 on the file of respondent police, now pending trial in S.C.No.328 of 2023 on the file of Principal Sub-Judge, Tiruppur seeks bail.

2. The case of the prosecution is that both the petitioner and defacto complainant have exchanged messages through their mobile phones and on 31.10.2022, the petitioner said to have introduced himself as Vasanth and asked him to come near Kothumuttupalayam EB office backside. When he went to meet him, the petitioner along with some unknown persons surrounded the defacto complainant and threatened him with deadly weapons to hand over money and other articles and they robbed his mobile phone, motorbike, silver ornaments and silver ring at knife point. Hence, the complaint.



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3. The learned counsel appearing for petitioner would submit that this the third petition seeking for bail. He would submit that he is an innocent person and he is no way connected with the offence. He would submit that he has not committed any offence as alleged by the respondent police and he has been falsely implicated in the present case. He would submit that he is in custody for more than 2 years from 02.11.2022. and he is ready to cooperate with the trial proceedings. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that he has not engaged any counsel to appear on behalf of him and co-accused was released on bail. He would submit that the investigation was completed and a final report was filed in S.C.No. 328 of 2023. He would submit that if he is released on bail, he would hamper the investigation and tamper the witnesses. Hence, he opposed to grant bail to the petitioner.

5. Considering the fact that the investigation is almost



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completed, entire properties were recovered and also the fact that investigation was completed and a final report was filed in S.C.No.328 of 2023 on the file of Principal Sub-Judge, Tiruppur and on considering the period of incarceration suffered by the petitioner from 02.11.2022 for more than two years, this Court is inclined to grant bail to the petitioner subject to the conditions. **However, if the petitioner is not engaging the counsel to appear on behalf of him, the Legal Services Authority, Tiruppur is directed to engage a counsel and conduct the case.**

6. 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 **Principal Sub-Judge, Tiruppur** and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioner shall report before the trial court on alternative days at 10.30 a.m. for the period of four months apart from court hearings and thereafter he shall appear before the respondent police on every Saturday at 10.30 a.m. for another period of four months;



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(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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To

1.The Principal Sub-Judge, Tiruppur.

2.The Inspector of Police, Mangalam Police Station, Tiruppur.

3.The Superintendent, Central Prison, Coimbatore.



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4.The Public Prosecutor, High Court, Madras.

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T.V.THAMILSELVI, J.

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