



CRL O.P. No.22451 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.09.2024

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THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22451 of 2024

R.Maruthi Rajaram Pietekar

... Petitioner / Accused - 1

Vs

State rep. by
The Inspector of Police,
Jolarpet Railway Police Station (GRP)
Tirupapattur District.

(Crime No.179 of 2023)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.179 of 2023, on the file of the respondent.

For Petitioner : Mr.G.Babu

For Respondent : Mr.S.Vinothkumar
Government Advocate
(Criminal Side)



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 21.07.2024 for the offences punishable under Sections 395 and 417 of IPC, in Crime No.179 of 2023, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the defacto complainant was working as a Salesman in UV Jewellery at Coimbatore, he often go to foreign countries and other places to collect and replace the gold for his shop. On 25.11.2023, the defacto complainant purchased 40 sovereigns of gold from Visakapatnam and kept the same and cash of Rs.48,00,000/- in his bag and on the same day, when he was returning to his native in Patna – Ernakullam Train in No.22644 in Coach No.A1 at Seat No.7, the petitioner along with the other accused were committed the theft of 40 sovereigns of gold and cash of Rs.48,00,000/- from the defacto complainant at Jolarpet Junction. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has falsely implicated in this case. He would further submit that the petitioner has been in custody for more than 50



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days and the petitioner has no previous case against him. He would further submit that there is no recovery from this petitioner and the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent would submit that on 25.11.2023, when the defacto complainant, who is a Salesman at UV Jewellery, was travelling in Patna to Ernakulam Train in No.22644 in Coach No.A1 with a bag containing 40 sovereigns of gold and Rs.48,00,000/- cash, the petitioner along with the other accused committed the theft of 40 sovereigns of gold and cash of Rs.48,00,000/-. He would further submit that totally a sum of Rs.10,00,000/- and 40 sovereigns of gold were recovered from the accused. He would further submit that there is no previous case against the petitioner. However, he raised serious objections to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.



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6. Considering the nature of offences and the petitioner is arrayed as an accused only based on the confession statement of the co-accused and that already a sum of Rs.10,00,000/- and 40 sovereigns of gold were recovered from the other accused and no recovery from this petitioner and also taking into consideration that the petitioner was already taken into police custody and thereby no scope for further interrogation and that the period of incarceration undergone by the petitioner and no previous case is pending against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] 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 **Judicial Magistrate No.III, Tirupattur**, and on further conditions that;

[b] the Petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



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[e] the Petitioner shall not abscond 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

12.09.2024

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To

1.The Judicial Magistrate No.III, Tirupattur.

2.The Inspector of Police,
Jolarpet Railway Police Station (GRP)
Tirupattur District.

3.Central Prison, Vellore.

4.The Public Prosecutor, High Court, Madras.

P.DHANABAL,J.

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