



WEB COPY



Crl.O.P.No.21990 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.21990 of 2024

Selvam @ Korkai Selvam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kundadam Police Station,
Tiruppur.
(Crime No. 61 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail, in Crime No. 61 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.Deepan Uday

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 10.03.2024, for the alleged offence punishable under Sections 454 and



Crl.O.P.No.21990 of 2024

380 of IPC, in Crime No.61 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.02.2024, the petitioner along with other accused persons trespassed into the defacto complainant's house and committed theft of gold and silver, worth about Rs.70,000/-. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He further submits that co-accused/A2 was released on bail by this Court. He further submit that the petitioner was arrested and is in judicial custody from 10.03.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on the date of the alleged occurrence, the petitioner along with other accused persons had trespassed into the defacto



Crl.O.P.No.21990 of 2024

complainant's house and committed theft of 54 grams of gold jewels and 150 grams of silver. He further submitted that only about 29 grams of jewels were recovered from the accused. He further submit that the investigation was completed and final report was also filed. Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions made by the learned counsel on either side, nature of offence, investigation was completed and final report was also filed, co-accused was released on bail, and also considering the period of incarceration undergone by the petitioner, and taking note of the fact that the part of the property was recovered, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



CrI.O.P.No.21990 of 2024

with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Dharapuram, Tiruppur District, and on further conditions that:-

[a] the petitioner shall report before the concerned Jurisdictional Magistrate, on all working days at 10.30 a.m, for a period of 30 days and thereafter as and when required for interrogation.

[b] 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;

[c] 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;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] 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



CrI.O.P.No.21990 of 2024

WEB COPY

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

12.09.2024

drl

To

- 1.The Judicial Magistrate,
Dharapuram, Tiruppur District.
- 2.The Inspector of Police,
Kundadam Police Station,
Tiruppur.
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.21990 of 2024

P.DHANABAL, J.

drl

Crl.O.P.No.21990 of 2024

12.09.2024