

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty First day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19979 of 2018

1 R.SELVAKUMAR
2 V.DHILIP

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
INSPECTOR OF POLICE,
AVADI POLICE STATION,
AVADI, TIRUVALLUR DISTRICT.
CR.NO.324 OF 2018

[RESPONDENT]

For Petitioner : M/S.T.SUNDARAVADANAM Advocate

For Respondent : MR. C.IYYAPPARAJ, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners were arrested on 13.06.2018 for the offence under Section 420 @ 395 of IPC in Cr.No.324 of 2018 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners are arrayed as A4 and A5 in this case. The petitioners along with the other accused posing themselves to be the officials from the Anti-vice squad, trespassed into the house of the defacto complainant, threatened him and taken away jewels and cash from the house of the defacto complainant.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and that they have no connection with the other accused and they did not commit any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor submits that the petitioners along with the other accused posing themselves to be the officials from the Anti-vice squad, trespassed into the house of the defacto complainant and under threat, taken away jewels and cash from him.

5.Considering the period of incarceration, I am inclined to

grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Poonamallee and on further condition 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 report before the respondent police, daily at 10.30 a.m and at 5.30 p.m, until further orders;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

(e) on breach of any of the aforesaid conditions, the learned 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;

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

-sd/-
21/08/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE - II
POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AVADI POLICE STATION,
AVADI,
TIRUVALLUR DISTRICT

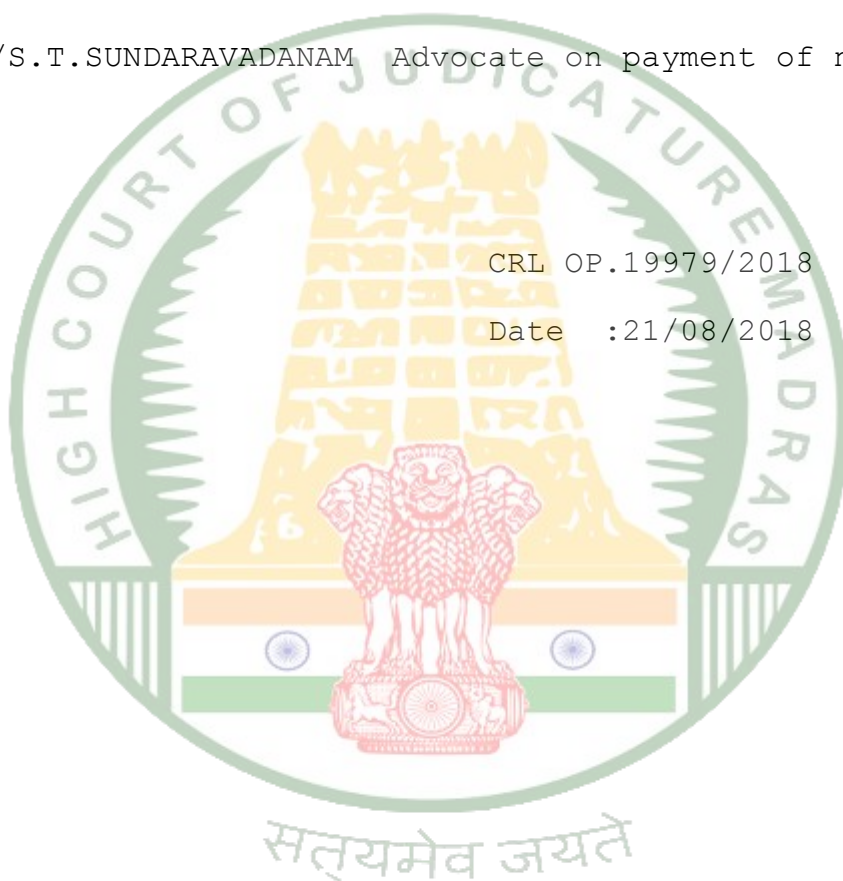
5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
THIRUVALLUR DISTRICT

+1CC to M/S.T.SUNDARAVADANAM Advocate on payment of necessary
charges 15617

CRL OP.19979/2018

Date :21/08/2018

CM 21/08/2018



WEB COPY