

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2020

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P. No. 8205 of 2020

1. Kabil Kumar, M/A.21
S/o. Eswaran,
No.60, Ranganatha Puram,
3rd Street, Tiruppur East,
Tiruppur District.

2. Krishnakumara , M/A.23
S/o. Moorthy,
No.34/35, Ellango Nagar,
II Cross Street, Tiruppur North,
Tiruppur District.

.. Petitioners/Accused No.1 & 2

Vs

State by:
Inspector of Police,
North Police Station,
Tiruppur District.
Crime No.1274 of 2020

.. Respondent

Prayer :- Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioners on bail in Crime No.1274 of 2020 pending on the file of the Inspector of Police, North Police Station, Tiruppur District.

For Petitioners : Mr.N.Sudharsan

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

ORDER

The petitioners who were arrested and remanded to judicial custody on 21.05.2020 for the offence punishable under **Section 399 of IPC in Crime No.1274 of 2020** on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.05.200, the petitioners along others, were preparing to commit dacoity and they were in possession of iron rod and aruval. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners have been suffering incarceration from 21.05.2020. Hence he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners along with others, were preparing to commit dacoity and they were found in possession of deadly weapons. He further submitted that there are two previous cases against the 1st petitioner/A1 and there is no previous case against the 2nd petitioner/A2 and that they were arrested very recently on 21.05.2020. Hence, he opposed for the grant of bail to the petitioners.

5. In view of the above submission that there are two previous

cases against the 1st petitioner / A1, this Court is not inclined to grant bail to the 1st petitioner/A1. **Accordingly, this petition is dismissed insofar as the 1st petitioner/A1 is concerned.**

6.Taking into consideration that there is no previous case against the 2nd petitioner/A2 and considering the period of incarceration from 21.05.2020, **this Court is inclined to grant bail to the 2nd petitioner/A2 subject to the following conditions:**

(a) Accordingly, **the 2nd petitioner/A2** is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined on his release;

(b) Thereafter, **the 2nd petitioner/A2** shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, out of which, one shall be a blood surety**, before the concerned Magistrate on or before 05.07.2020, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one week and thereafter as and when required for interrogation.

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

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

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

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

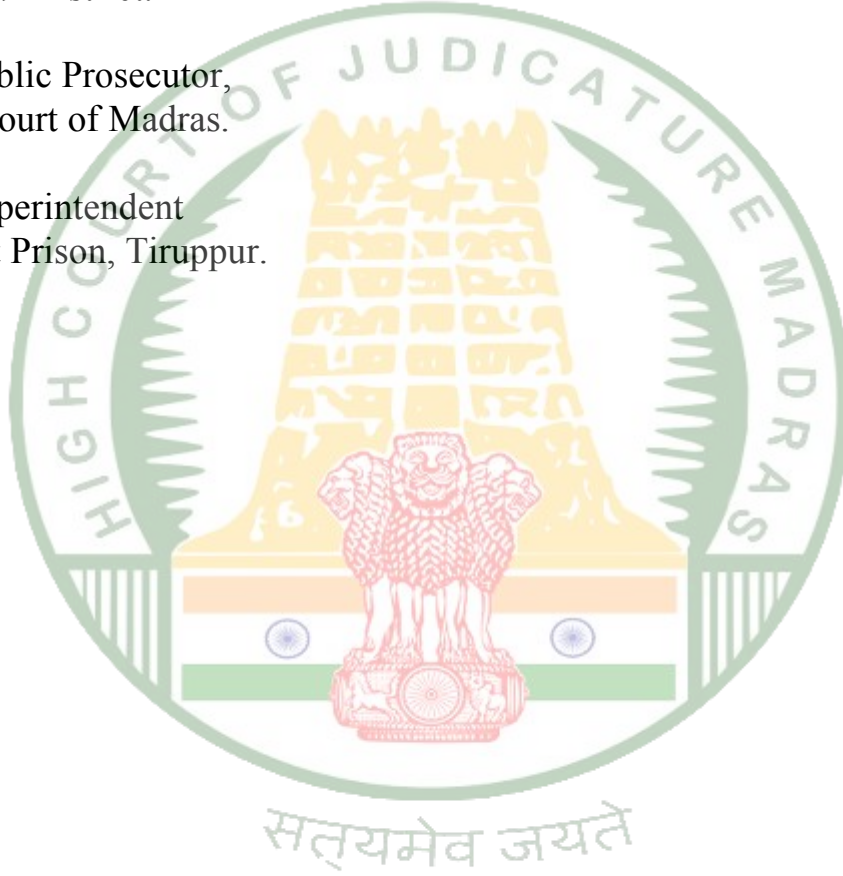
(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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Index : Yes/No
Internet : Yes/No
ksa-2

To

1. The Judicial Magistrate-I, Tiruppur.
2. The Inspector of Police,
North Police Station,
Tiruppur District.
3. The Public Prosecutor,
High Court of Madras.
4. The Superintendent
District Prison, Tiruppur.



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A.D.JAGADISH CHANDIRA, J.

Ksa-2/smv



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