

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 30.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.No.8978 of 2020

1. Vinith G ... Petitioners
2. Naresh Kumar M
3. Ragul P

-vs-

The State represented by ... Respondent
The Inspector of Police,
Arakkonam Town Police Station,
Vellore District.
(Crime No.473 of 2020)

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C.
to enlarge the petitioners on bail in Crime No. 473 of 2020.

For Petitioners : Mr. M.Manivelan

For Respondent : Mr. K. Prabakar
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The Petitioners, who were arrested and remanded to judicial custody on 29.05.2020 for the offences punishable under Section 399 of I.P.C. in Crime No.473 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant one Hariprasad had preferred a complaint that the petitioner along with other accused was found preparing to commit the offence with the deadly weapons like knife, wooden log etc.

3.The learned counsel for the Petitioner would submit that the petitioners have been falsely implicated in this case. He would further submit that the A4 and A5 have already been granted bail by this Court in Crl.O.P.Nos.8835 and 8833 of 2020 on 17.06.2020.

4.The learned Additional Public Prosecutor would submit that the Petitioners are arrayed as A1 to A3. The petitioner along with others was found preparing to commit dacoity and on information received from the defacto complainant, the accused person were

arrested in this case. He opposed for the grant of bail to the petitioners.

5. Taking into consideration of the facts and circumstance of this case and also considering the fact that the petitioners were in jail from 29.05.2020, this Court is inclined to grant bail to the Petitioners subject to the following conditions:-

(a) Accordingly, the Petitioners are 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 and thereafter on their release;

(b) The Petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Principal District and Sessions Judge, Vellore, within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, 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 petitioners shall report before the respondent police daily at 10.30 A.M. for a period of two weeks and thereafter every Monday at 10.30 A.M. until further orders.

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

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

(g) the Petitioners 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.

6.With the above directions, this Criminal Original Petition is ordered.

-sd/-
30/06/2020

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 PRINCIPAL DISTRICT AND SESSIONS JUDGE
VELLORE.

2 THE INSPECTOR OF POLICE
ARAKKONAM POLICE STATION,
VELLORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S.M.MANIVELAN Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.8978/2020

Date :30/06/2020

TA-17/07/2020

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