

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 13437 of 2020

1.Murugan
2.Ajay
3.Sakthivel

... Petitioners/Accused

Vs.

State by:

The Inspector of Police,
Chengam Police Station,
Tiruvannamalai District.
(Crime No.2457 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 2457 of 2020, on the file of the respondent police.

For Petitioners: Mr.P.Balamurugan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 13.07.2020 for the offences punishable under Sections 457, 380 of IPC in Crime No.2457 of 2020 on the file of the respondent police, seek bail.

2 The case of the prosecution as per the defacto complainant Govindasami is that on 12.07.2020, he has locked his shop and on next day, when he had gone the shop, he had seen that the shop was broke open and the cash box was stolen along with a sum of Rs.6,000/-. Hence, the complaint.

3 The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the petitioners during the covid period were waiting for some job and that the respondent police have arrested them on suspicion and that they have remanded the petitioners in this case. He would submit that there is no previous case pending against the petitioners and that age of the first and second petitioners is 21 years and the third petitioner is 20 years. Hence, he prays to grant bail to the

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners have break open the lock of the defacto complainant's shop and had committed theft of the cash box with a sum of Rs.6,000/-. He would submit that there is no previous case pending against the petitioners. Hence, he opposed to grant bail to the petitioner.

5 Taking into consideration the facts and submissions made by the learned counsel and consideration that fact that the age of the petitioners and the petitioners are in judicial custody from 13.07.2020, 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 their own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on his release;

(b) the petitioners shall within 15 days from the date of lifting of the lock down or the commencement of the Court's normal functioning or which ever is earlier and execute two sureties, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), out of the two sureties one surety should be either father or mother of the petitioners, before the learned Judicial Magistrate, Chengam, Tiruvannamalai District, 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 respondent station everyday at 10.30 a.m. and 05.30 p.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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

01/09/2020

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 JUDICIAL MAGISTRATE,
CHENGAM, TIRUVANNAMALAI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CHENGAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL JAIL, VELLORE DISTRICT.

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

CRL OP.13437/2020

Date :01/09/2020

RVR 10/09/2020

WEB COPY