

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.09.2020

CORAM :

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

Crl.O.P.Nos. 13404, 13410, 13621,

13627, 13856, 13948 of 2020

Crl.O.P.No.13404 of 2020

1.Ponraj ... Petitioners
2.Chinnarasu

Vs.

State, rep. by ... Respondent
The Sub-Inspector of Police
Kalasapakkam Police Station,
Kalasapakkam.
Tiruvannamalai District.
(Crime No.408 of 2019)

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner/accused on bail pending trial in C.C.No.395/2019 now pending on the file of the Hon'ble District Munsif cum Judicial Magistrate at Kalasapakkam, Tiruvannamalai District.

Crl.O.P.No.13410 of 2020

1.Ponraj ... Petitioners
2.Chinnarasu

Vs.

State, rep. by ... Respondent
The Inspector of Police
Thanipadi Police Station,
Thanipadi. Tiruvannamalai District.
(Crime No.455 of 2019)

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner/accused on bail pending trial in C.C.No.57/2019 now pending on the file of the Hon'ble Judicial Magistrate Court at Chengam, Tiruvannamalai.

Crl.O.P.No.13621 of 2020

Koteeswaran

... Petitioner

Vs.

State, rep. by
The Inspector of Police,
Thanipadi Police Station,
Thanipadi. Tiruvannamalai District.
(Crime No.455 of 2019)

... Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner/accused on bail pending trial in C.C.No.57/2019 now pending on the file of the Hon'ble Judicial Magistrate Court at Chengam, Tiruvannamalai.

Crl.O.P.No.13627 of 2020

Koteeswaran

... Petitioner

Vs.

State, rep. by
The Inspector of Police,
Mel Chengam Police Station,
Mel Chengam, Tiruvannamalai District
(Crime No.457 of 2019)

... Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner/accused on bail pending trial in C.C.No.56/2019 now pending on the file of the Hon'ble Judicial Magistrate Court at Chengam, Tiruvannamalai.

Crl.O.P.No.13856 of 2020

1. Ponraj
2. Chinnarasu

... Petitioners

Vs.

State, rep. by
The Inspector of Police
Mel Chengam Police Station,
Mel Chengam, Tiruvannamalai District
(Crime No.457 of 2019)

... Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner/accused on bail pending trial in C.C.No.56/2019 now pending on the file of the Hon'ble Judicial Magistrate Court at Chengam, Tiruvannamalai.

Cr1.O.P.No.13948 of 2020

1.Koteeswaran ... Petitioners
2.Ponraj
3.Chinnarasu

Vs.

State, rep. by ... Respondent
The Sub-Inspector of Police,
Kalasapakkam Police Station,
Kalasapakkam.
Tiruvannamalai District.
(Crime No.408 of 2019)

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner/accused on bail pending trial in C.C.No.395/2019 now pending on the file of the Hon'ble Judicial Magistrate Court at Chengam, Tiruvannamalai.

For Petitioner : Mr. A. Thirumaran
[in all Cr1.O.Ps.]

For Respondent : Ms.S.Thankira
Government Advocate (Cr1.Side)
[in all Cr1.O.Ps.]

COMMON ORDER

(These cases have been heard through video conference)

The petitioners, who were originally arrested and remanded to judicial custody on 27.09.2019 for the offences punishable under **Section 379 IPC, in Crime Nos.408, 455, 457 of 2019**, on the file of the above respondent police, seek bail.

2.The case of the prosecution is that the petitioners in all these criminal original petitions have committed theft of coconut oil tins and gas stoves from different lorries on the highway after tearing the tarpaulins. Hence, the cases have been registered by the respondents in various crime numbers viz. Crime Nos.408 of 2019 registered by the Kalasapakkam Police Station, Crime No.455 of 2019 registered by the Thanipadi Police Station and Crime No.457 of 2019 registered by the Mel Chengam Police Station.

3.The learned counsel appearing for the petitioners would submit that the petitioners were originally arrested on 27.09.2019 in Crime No.408 of 2019 registered by the Kalasapakkam Police

Station. Thereafter, while they were in custody, they were produced on P.T. Warrant in Crime No.457 of 2019 registered by the Mel Chengam Police Station, Tiruvannamalai District, subsequently, they were also produced on P.T. Warrant in Crime No.455 of 2019 registered by the Thanipadi Police Station. He would further submit that while the petitioners were in custody, they were clamped with the detention order under Act 14, 1982. Thereafter, the petitioner/ Ponraj filed a petition in H.C.P.No.96 of 2020 dated 27.07.2020, the petitioner / Chinnarasu filed a petition in H.C.P.No.92 of 2020 dated 24.07.2020 and the petitioner / Koteeswaran filed a petition in H.C.P.No.115 of 2020 dated 03.08.2020 and the same were allowed by this Court. He would further submit that the petitioners are in custody from 27.09.2019 i.e. for almost one year. He would further submit that in respect of the petitioners viz. Ponraj and Chinnarasu apart from these three cases, they do not have any other case against them and wherein in respect of Koteeswaran, apart from these three cases he has got one more case pending before the Inspector of Tiruvannamalai Taluk Police Station. Hence, he would pray for grant of bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioners have committed theft of huge quantities of coconut oil tins and gas stoves from the lorries which were going through Tiruvannamalai and parked on the highway after tearing the tarpaulins. She would further submit that if the petitioners are granted bail, there is every chance of the petitioners getting absconded.

5.At this juncture, the learned counsel for the petitioners would submit that the petitioners are prepared to abide by any stringent conditions and to offer sufficient sureties and also prepared to stay in Thiruvannamalai and attend the Courts in Kalasapakkam and Chengam.

6.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side). Perused the documents placed on record.

7.Taking into consideration of the facts and circumstance of the case and the submissions of the learned Counsels. and also considering the fact that the petitioners are in custody from 27.09.2019, 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 condition to execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) each with two sureties (one surety should be a blood surety and another one is a Government surety), each for a like sum to the satisfaction of the **learned Judicial Magistrate, Kalasapakkam (in Crime No.408 of 2019)** and to the satisfaction of the **learned Judicial Magistrate, Chengam (in Crime Nos.455 and 457 of 2019)**, and on further conditions that;

(b) 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;

(c) the petitioners on their release from prison shall stay at Tiruvannamalai and report before the Tiruvannamalai Taluk Police Station everyday at 6.30 p.m. until further orders.

(d) The petitioners shall regularly appear before the concerned trial Courts on all hearing dates.

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

(f) the petitioners shall not abscond during trial;

(g) the petitioners shall not tamper with evidence or witness during 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.

8. With the above directions, these Criminal Original Petitions are ordered.

-sd/-

30/09/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE AT KALASAPAKKAM,
TIRUVANNAMALAI DISTRICT.

2 THE JUDICIAL MAGISTRATE,
CHENGAM.

3 THE JUDICIAL MAGISTRATE,
KALASAPAKKAM

4 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

5 THE SUB-INSPECTOR OF POLICE,
KALASAPAKKAM POLICE STATION,
KALASAPAKKAM,
TIRUVANNAMALAI DISTRICT.

6 THE INSPECTOR OF POLICE
THANIPADI POLICE STATION,
THANIPADI,
TIRUVANNAMALAI DISTRICT.

7 THE INSPECTOR OF POLICE,
MEL CHENGAM POLICE STATION,
MEL CHENGAM, TIRUVANNAMALAI DISTRICT.

8 THE SUPERINTENDENT
CENTRAL PRISON, VELLORE

9 THE OFFICER INCHARGE,
TIRUVANNAMALAI TALUK POLICE STATION,
TIRUVANNAMALAI.

10 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CrI.O.P.Nos. 13404, 13410, 13621,
13627, 13856, 13948 of 2020

Date :30/09/2020

TA-05/10/2020

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