

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.15676, 15679, 15684 & 15685 of 2020

1.S.Blessing Simon

2.Balasiva ... Petitioners in Crl.O.P.No.15676 of 2020

Karthik ... Petitioner in Crl.O.P.No.15679 of 2020

Kothandaraman ... Petitioner in Crl.O.P.No.15684 of 2020

Om Prakash ... Petitioner in Crl.O.P.No.15685 of 2020

Vs.

State Rep. By:

The Inspector of Police,
Kundrathur Police Station,
Kancheepuram District.

Crime No.1267 of 2020 ... Respondent in all Crl.O.Ps

Common Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No.1267 of 2020 pending investigation before the respondent police station.

In all the Criminal Original Petitions

For Petitioners : Mr.G.Balamanikandan

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

COMMON ORDER

(These cases have been heard through video conference)

The petitioners in Crl.O.P.Nos.15676 & 15685 of 2020, who were arrested and remanded to judicial custody on 18.08.2020 and the petitioners in Crl.O.P.Nos.15679 & 15684 of 2020, who were arrested and remanded to judicial custody on 16.08.2020 for the offences punishable under Sections 457, 395 & 397 of IPC, in Crime No.1267 of 2020 on the file of the respondent police, seek

2.The case of the prosecution as per the defacto complainant viz. Rajendran is that he is running a company called Sakthi Transformers and they manufacture transformers which are being used by the TNEB and for that purpose they kept copper wires in their company. The further allegation is that on 09.08.2020 at about 1.00 a.m., five unidentified persons have trespassed into the company belonging to the defacto complainant and assaulted the night watchman and committed the theft of copper wires weighing about 3129 kg. from the company. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners in Crl.O.P.Nos.15676 & 15685 of 2020, were arrested and remanded to judicial custody on 18.08.2020 and the petitioners in Crl.O.P.Nos.15679 & 15684 of 2020, were arrested and remanded to judicial custody on 16.08.2020. He would further submit that mere reading of F.I.R. would go to show that these cases have been registered against them only for the purpose of detaining them under Act 14. He would further submit that the other accused have been enlarged on bail by the Sessions Court and the entire contraband has been recovered by the respondent police. He would further submit that apart from these two cases, there are no other cases pending against the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioners have trespassed into the company of the defacto complainant and after assaulting their night watchman, had committed the theft of copper wires weighing 3129 Kg. He would further submit that the other accused have been arrested and enlarged on bail by the Sessions Court and the entire contraband has been recovered from them. He would further submit that investigation is pending.

5.Taking into consideration of the facts and submissions made by the learned counsels and also considering the fact that the entire contraband has been recovered, 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 separate bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only), with two sureties each for a like sum to the satisfaction of the Learned Judicial Magistrate, Sriperumbudur, 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 report before the respondent police everyday at 10.30 a.m. and 5.30 p.m. until further orders.

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

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

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

(g) 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];

(h) 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/-
02/11/2020

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

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

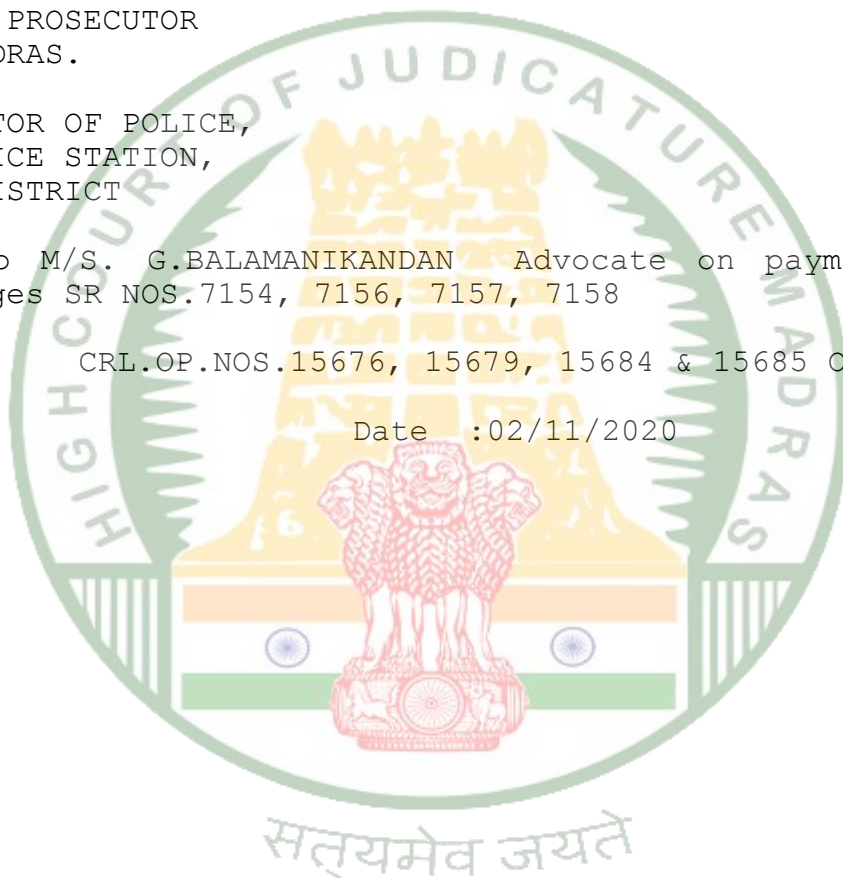
5 THE INSPECTOR OF POLICE,
KUNDRATHUR POLICE STATION,
KANCHEEPURAM DISTRICT

+5CC to M/S. G.BALAMANIKANDAN Advocate on payment of
necessary charges SR NOS.7154, 7156, 7157, 7158

CRL.OP.NOS.15676, 15679, 15684 & 15685 OF 2020

Date :02/11/2020

MK:03/11/2020



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