

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.12.2020

CORAM :

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

CRL.O.P.No.17883 of 2020

1. G.Sampath
2. S.Sudhakar

... Petitioners

Vs.

State represented by
Inspector of Police,
Mel Chenagam Police Station,
Tiruvannamalai District.
(Crime No.2598 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.2598 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.Guruprasad

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 16.08.2020 for the offences punishable under Section 392 IPC, in Crime No.2598 of 2020, on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant one Manikandan is that on 16.08.2020 while he was coming along with his wife towards Melvanakampadi Mariamman Koil in his motor cycle, the petitioner along with other accused had come in a motor cycle, snatched the gold mangal sutra worn by the wife of the defacto complainant. When the defacto complainant and his wife raised alarm, the villagers around caught hold of the accused on the same spot red handedly.

3.The learned counsel appearing for the petitioners would submit that the petitioners are an innocent and they have been falsely implicated in this case. He would further submit that this is the third bail application and the earlier application for bail was dismissed by this Court vide order dated 12.10.2020 in Crl.O.P.No.16103 of 2020. He would further submit that the respondent police have completed the investigation and filed a final report, which has been taken on file in C.C.No.53 of 2020 on the file of the learned Judicial Magistrate, Chengam. He would submit that the petitioners are in custody for more than 120 days and they have to

engage a counsel to conduct trial. He would further submit that the petitioners are the permanent residents and as far as the 1st petitioner is concerned he has got one previous case registered under Section 366 IPC and that he is facing trial. As far as the 2nd petitioner is concerned, he has no previous cases against him. He would further submit that the petitioners have also provided proof of their residence and the respondent have also verified the same and the petitioners are prepared to give one blood suretly and abide by any stringent conditions that to be imposed by this Court.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that it is a case where the petitioners in broad daylight, attempted to snatch the gold mangal sutra worn by the wife of the defacto complainant. Fortunately, the defacto complainant raised alarm and the people around, caught hold of the accused at the scene of occurrence. He would further submit that the 1st petitioner is the one who actually attempted to snatch the mangal sutra from the wife of the defacto complainant. He would further submit that the investigation has been completed and the final report also been filed, which has been taken on file in C.C.No.53 of 2020 on the file of the learned Judicial Magistrate, Chengam and it stands posted on 21.12.2020. He would further submit that the address of the petitioners have been verified and found to be correct. He would further submit that as far as the 1st petitioner is concerned he has got one previous case registered under Section 366 IPC and that he is facing trial and as far as the 2nd petitioner is concerned, he has no previous cases against him.

5.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration suffered by the petitioners and that they have to conduct trial by engaging counsels, 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.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Chengam, 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 learned Judicial Magistrate, Chengam, everyday at 10.30 a.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.

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

-sd/-

17/12/2020

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,
NO.I, CHENGAM

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI (FOR INFORMATION)

3 THE JUDICIAL MAGISTRATE, CHENGAM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 INSPECTOR OF POLICE,
MEL CHENGAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

6 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

CC to M/S. M.GURUPRASAD Advocate on payment of necessary charges Sr.8380

CRL OP.17883/2020

Date :17/12/2020

RVR 18/12/2020

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