

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.12.2020

CORAM :

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

CRL.O.P.No.18850 of 2020

1. Siva
2. Chandrasekar
3. Jayaveeran

... Petitioners/Accused

-Vs

State rep. by
The Inspector of Police,
Veerapandi Police Station,
Tiruppur District.
(Crime No.863 of 2020)

..Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioners on bail pending investigation in Crime No.863 of 2020 on the file of the respondent police.

For Petitioners : Mr.S.P.Meenakshi Sundaram

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

O R D E R

(The cases have been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 27.10.2020 for the offence punishable under Sections 395 r/w 397 IPC in Crime No.863 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant Senthil is that he got acquainted with one Ilayaraja through Grindr App and he had lured him saying that he has got some women who are interested on him and made him to come to his place on 26.10.2020. At that time, the accused persons threatened him with knives and robbed his mobile phone worth Rs.13,000/- and his bike and cash of Rs.500/- and also a silver chain.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case due to previous enmity. He would further submit that A3 and A5 have been enlarged on bail by the Sessions Court and as far as these petitioners are concerned, there is no previous case against them. He would further submit that the petitioners have been suffering incarceration from 27.10.2020. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the accused got acquainted with the defacto complainant through a mobile application and lured him in the guise of arranging ladies and taken him a a secluded place and thereafter, by threatening him with weapons, robbed his mobile phone worth Rs.13,000/-, his bike and cash of Rs.500/- and also a silver chain. He would further submit that the entire contraband has been recovered from the accused and there is no previous case against the petitioners.

5. Taking into consideration, the facts and circumstances of the case and the submissions of the learned Counsels and the fact that the co-accused in this case have been granted bail by the Sessions Court, 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), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-IV, Tiruppur, 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 petitioner shall report before the respondent police everyday at 10.30 a.m. and 5.30 p.m. until further orders.

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

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

(f) the petitioner 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.

-sd/-

08/12/2020

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,
IV, TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VEERAPANDI POLICE STATION,
TIRUPPUR DISTRICT.

5 THE OFFICER INCHARGE,
DISTRICT JAIL, TIRUPPUR

CC to M/S.S.P.MEENAKSHI SUNDHARAM Advocate on payment of
necessary charges Sr.8004

सत्यमेव जयते

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Date : 08/12/2020

RVR 09/12/2020

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