

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.12.2020

CORAM :

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

CRL.O.P.No.19405 of 2020

1.Mazhalaiselvan

... Petitioners

2.Alex

Vs.

The State

.... Respondent

Rep. by The Inspector of Police,

Thiruvarur Town Police Station,

Thiruvarur District.

(Crime No.1947 of 2020)

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioners on bail in Crime No.1947 of 2020 on the file of the respondent police.

For Petitioners : Mr.P.Krishnamurthi

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

ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 09.11.2020 for the offence punishable under Section 399 of IPC in Crime No.1947 of 2020, seeks bail.

2. The case of the prosecution as per the *de facto* complainant Suganya is that on 09.11.2020 at 19.00 hours, while she was on night patrol duty, she received secret information that five persons were planning to commit decoity near the Vilamal Burial Ground to Tiruvarur. Based on the information, the respondent police arrested the accused.

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 submit that the petitioners

earlier involved in a case during the year 2019 for the offence under Section 302 of IPC and thereby, the respondent has put up the false case against the petitioners. He would submit that the petitioners are prepared to abide by any stringent condition that may be imposed by this Court and hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the petitioners along with other accused were making preparation to commit dacoity. He would submit that one previous case of the year 2019 has been registered in Crime No.367 of 2019 for the offence under Section 302 IPC against the petitioners.

5. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and also considering the period of incarceration suffered by the petitioners, 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, Thiruvavarur, 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 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/-
15/12/2020

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,
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUVARUR TOWN POLICE STATION,
TIRUVARUR DISTRICT.

5 THE SUPERINTENDENT,
DISTRICT PRISON, NAGAPATTINAM.

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

CRL OP.19405/2020

Date :15/12/2020

TA-16/12/2020

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