

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.12.2020

CORAM :

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

CRL.O.P.No.20144 of 2020

1.Madhavan
2.Bharathiraja
3.Manokaran
4.Sathishkumar

... Petitioners

Vs.

State by,
Inspector of Police,
Myiladuthurai Police Station,
Myiladuthurai.
(Crime No.1573 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.1573 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Rafi Babu

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 23.11.2020 for the offences punishable under Section 399 of IPC, in Crime No.1573 of 2020, on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant viz. Velmurugan, Sub Inspector of Police, Myiladuthurai Police Station is that while he was on his routine patrol duty along with his officials, on secret information, they noticed that the petitioners herein were hiding in a burial ground with deadly weapons, chilly power and two wheelers and were making preparation to commit dacoity. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioner are innocent and they have been falsely implicated in this case. He would further submit that the petitioners were arrested in a case in Crime No.1150 of 2020 for the offence under Section 302 IPC, since the petitioners were granted bail, the respondent police got antagonized against them, thereby, a false case has been registered based on which, the petitioners were arrested. He would further submit that except the earlier murder case registered against them, there is no other case is pending against them. He would further submit that mere reading of F.I.R. would go to show that the case is a foisted one.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that the petitioners are accused in crime No.1150 of 2020, while so, they were found to be making preparation to commit dacoity and they were also found in possession of deadly weapons, chilly power and two motor cycles near Kittappa bridge and that they were arrested.

5.Heard the learned counsel on either side. Perused the materials placed on record including F.I.R.

6.Taking into consideration of the facts and circumstance of the case and the submissions made by the learned counsels and taking into consideration 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) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Mayiladuthurai, 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.

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

-sd/-
23/12/2020

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,
MAYILADUTHURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE JAILER,
SUB JAIL, NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF PILOCE,
MYILADUTHURAI POLICE STATION,
MYILLADUTHURAI.

+1CC to M/S R.RAFI BABU Advocate on payment of necessary charges SR NO.8625

CRL OP.20144/2020

Date :23/12/2020

MK:28/12/2020

<https://hcservices.ecourts.gov.in/hcservices/>