

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE V.SIVAGNANAM

CRL.O.P.Nos.20365, 20376, 20399 & 20499 of 2020

Esakkipandi ... Petitioner/Accused No.1
in Crl.O.P.Nos.20365 & 20399/2020

Jebaraj ... Petitioner/Accused No.4
in Crl.O.P.No.20376 of 2020

Jebaraj ... Petitioner/Accused No.3
in Crl.O.P.No.20499 of 2020

Vs.

The State represented by,
The Inspector of Police,
Perumanallur Police Station,
Tiruppur District.
[Crime No.1942 of 2020] ... Respondent/Complainant
in Crl.O.P.Nos.20365 & 20376/ 2020

The State represented by,
The Inspector of Police,
Perumanallur Police Station,
Tiruppur District.
[Crime No.1943 of 2020] ... Respondent/Complainant
in Crl.O.P.Nos.20399 & 20499/2020

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime Nos.1942 & 1943 of 2020 pending on the file of the Inspector of Police, Perumanallur Police Station, Tiruppur District.

For Petitioner
in all petitions : Mr.S.Arjun

For Respondent
in all petitions : Mr.K.Madhan
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 15.10.2020 for the offences punishable under Sections 342, 385 & 397 of IPC in Crime No.1942 of 2020, and for the offence punishable under Section 399 of IPC in Crime No.1943 of 2020, on the file of the respondent police, seek bail.

2. Crime No.1942 of 2020: The case of the prosecution is that the petitioners along with others robbed the gold chain, mobile phone and cash of Rs.3,000/- from the defacto complainant.

2.1. Crime No.1943 of 2020: The case of the prosecution is that the petitioners along with others were planning to commit dacoity.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in these cases. He would further submit apart from these two cases, there is no other case against the petitioners and that the petitioners have been suffering incarceration from 15.10.2020. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl.Side) would vehemently oppose stating that insofar as the case in Crime No.1942 of 2020 is concerned, the petitioners along with others robbed the gold chain, mobile phone and cash of Rs.3,000/- from the defacto complainant and insofar as the case in Crime No.1943 of 2020 is concerned, the petitioners along with others were planning to commit dacoity.

5. Overall consideration of the facts, the nature of accusation, the nature of offences, the materials in support of the accusation and the circumstances of the case and the period of detention of the petitioners in the judicial custody, 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Avinashi, 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 appear before the respondent police every day 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 petitioner 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 stands ordered.

-sd/-
30/12/2020

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,
AVINASHI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PERUMANALLUR POLICE STATION,
TIRUPPUR.

+4CC to M/S S.ARJUN Advocate on payment of necessary charges
SR NOS.8762, 8763, 8764, 8765

CRL.OP.NOS.20365, 20376, 20399 & 20499 of 2020

Date :30/12/2020