

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.12.2020

CORAM :

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

CRL.O.P.No.20409 of 2020

1. Prasanth
2. Sabarinathan
3. Osuran

... Petitioners

Vs.

The State Rep. By
Inspector of Police,
Vandavasi North Police Station,
Vandavasi,
Tiruvannamalai District.
(Crime No.798 of 2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioners on bail in Crime No.798 of 2020 on the file of the respondent police.

For Petitioners : Mr.B.Jawahar

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

सत्यमेव जयते
O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 07.12.2020 for the offence punishable under **Section 399 of IPC**, in Crime No.798 of 2020, seek bail.

2. The case of the prosecution as per the *de facto* complainant Ganesan, Sub Inspector of Police attached to the respondent police is that on 07.12.2020 while he along with his police party was on usual rounds, the petitioners were found making preparation to commit robbery and they were apprehended and that Crowbar and two numbers of two wheelers were seized from their custody.

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 have been suffering incarceration from 07.12.2020. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that while the Sub Inspector of Police attached to the respondent police along with his police party was on usual rounds, the petitioners were found making preparation to commit dacoity and that Crowbar and two two wheelers were seized from their custody. He would submit that each of the petitioners have got one previous case against them.

5. At this juncture, the learned Counsel for the petitioners would submit admittedly, each of the petitioners have got one previous case to their credit. As far as the first petitioner is concerned, he has got one previous case registered for offence under Criminal Law Amendment Act and the second petitioner has got one previous case under Section 379 IPC and that the third petitioner has got one previous case under section 506 (ii) IPC, other than that they have no case against them. Only in order to put fetters on them, a false complaint has been registered against the petitioners and no such incident had happened and that the petitioners were arrested when they had gone to the respondent police station to attend usual inquiry.

6. 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, Vandavasi**, 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 the 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/-
21/12/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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TO

1 THE JUDICIAL MAGISTRATE,
VANDAVASI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI DISTRICT

3 THE JAILER, SUB JAIL,
VANDAVASI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

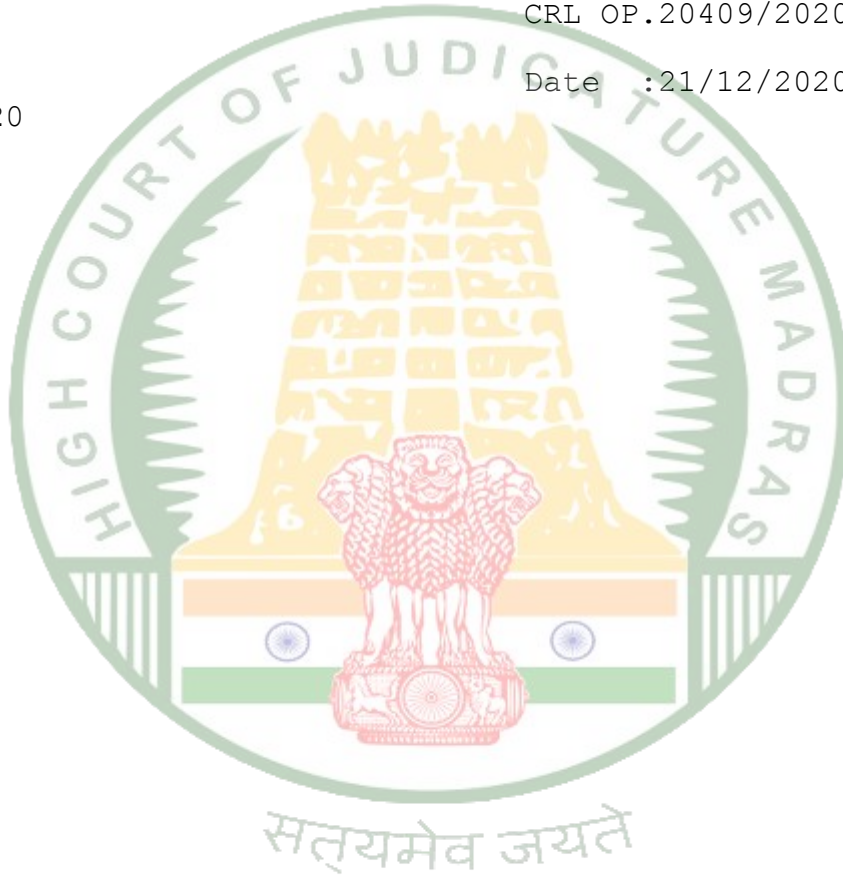
5 THE INSPECTOR OF POLICE,
VANDAVASI NORTH POLICE STATION,VANDAVASI ,
THIRUVANNAMALAI DISTRICT

CC to MR.B.JAWAHAR Advocate on payment of necessary charges

CRL OP.20409/2020

Date :21/12/2020

GKS:22/12/2020



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