

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE V.SIVAGNANAM

CRL.O.P.No.21031 of 2020

1.Karthik
2.Murali
3.Arunkumar

... Petitioners

Vs.

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

.... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.798 of 2020 pending on the file of the respondent.

For Petitioners: Mr.B.Jawahar

For Respondent : Mr.L.Charles Premkumar
Government Advocate (Crl. Side)

ORDER

(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 to the petitioners.

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.

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, 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 prison, shall report 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 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 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,
VANDAVASI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVANNAMALAI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VANDAVASI NORTH POLICE STATION,
VANDAVASI, THIRUVANNAMALAI DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, VANDAVASI.

CC to M/S.B.JAWAHAR Advocate on payment of necessary charges

WEB COPY

CRL OP.21031/2020

Date : 30/12/2020

MN-31/12/2020