

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.01.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.420 of 2021

1.Nazeerkhan
2.Dhamu @ Dhamodharan
3.Dharanidharan

... Petitioners

Vs

State Rep by its
The Inspector of Police,
Vandhavasi North Police Station,
Thiruvannamalai District.
(Crime No.787 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.787 of 2020 pending on the file of the Respondent.

For Petitioners : Mr.G.Punniakoti

For Respondent : Mrs.M.Prabhavathi,
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 22.11.2020 for the alleged offence under Section 394 of IPC in Crime No.787 of 2020, seek bail.

2. The case of the prosecution as per the de facto complainant is that petitioners along with other accused have stolen the auto rickshaw and mobile phone of the de facto complainant and also attacked the de facto complainant with bottles. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would submit that the petitioners are A1 to A3 and the other accused A4 to A6 have been arrested and enlarged on bail and hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that there are totally six accused and the petitioners are A1 to A3 and that the petitioners along with other accused robbed the cell phone and auto rickshaw from the de facto complainant. She would submit that co-accused in this case have been granted bail.

5. Taking into consideration the facts and circumstances of the case and the fact that similarly placed accused have been granted bail and there is no bad antecedent against the petitioners 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, Vandhavasi 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 is ordered.

-sd/-

18/01/2021

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,
VANDHAVASI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

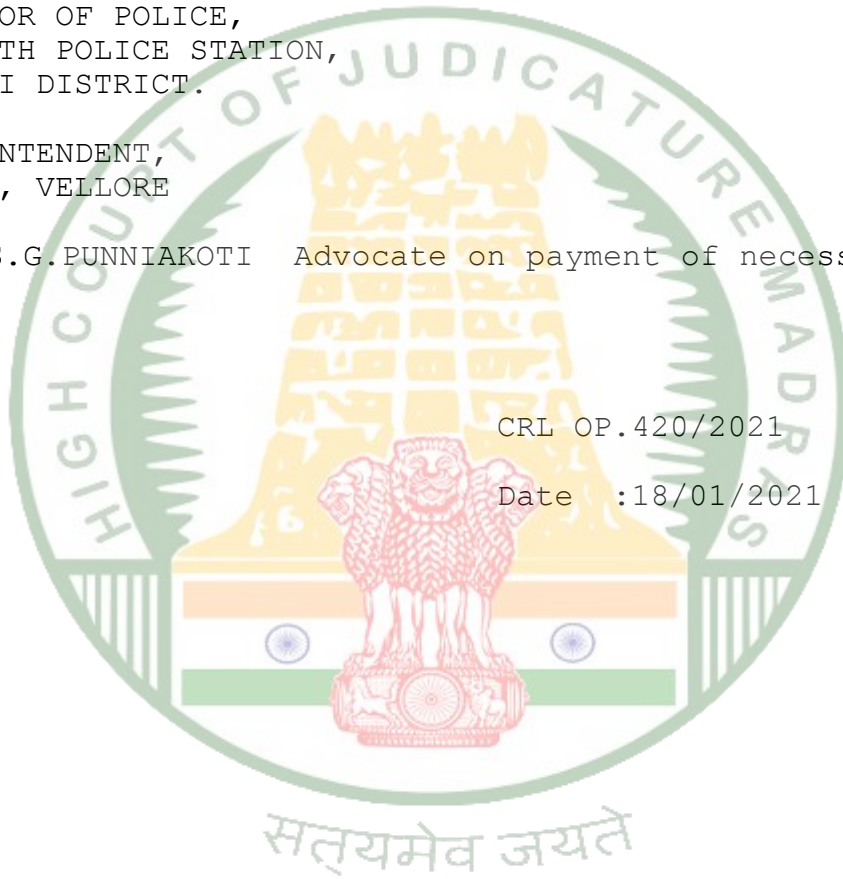
5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

CC to M/S.G.PUNNIAKOTI Advocate on payment of necessary charges
Sr.410

CRL OP.420/2021

Date :18/01/2021

RVR 19/01/2021



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