

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.Nos.1384, 1385 of 2021 &
20393 of 2020

1. S. Putturaji
2. G. K. Kiran @ Bavan ... Petitioners in Crl.O.P.1384/2021

Nagaraj ... Petitioner in Crl.O.P.1385/2021

Sanjay Kumar @ Sanjay ... Petitioner in Crl.O.P.20393/2020

Vs.

State Rep. by
The Inspector of Police,
SIPCOT Police Station,
Krishnagiri Dt.
(Crime No.617 of 2020) ... Respondent in all Crl.O.Ps.

PRAYER in all Crl.O.Ps: Criminal Original Petitions are filed under
Section 439 of Criminal Procedure Code to enlarge the petitioners on
bail in Crime No.617 of 2020 on the file of respondent police.

For Petitioner : Mr. N. Sakthivel
in Crl.O.P.1384/2021

For Petitioner : Mr. M.P.Saravanan
in Crl.O.P.1385/2021
& Crl.O.P.20393/2020

For Respondent : Mrs.M. Prabhavathi,
in all Crl.O.Ps Addl. Public Prosecutor

C O M M O N O R D E R
(The cases have been heard through video conference)

Totally, there are seven accused and the petitioners are arrayed as A3, A4, A5 and A2 respectively. The petitioners, namely S.Putturaji & G.K.Kiran @ Bavan were arrested and remanded to judicial custody on 13.09.2020 and Nagaraj and Sanjaykumar @ Sanjay were arrested and remanded to judicial custody on 10.09.2020 for the offence punishable under Sections 394 @ 395 & 397 of I.P.C. in Crime No.617 of 2020. Hence, they seek bail.

2. The case of the prosecution is that A1 in this case is a neighbour of the defacto complainant. On her instigation, all the accused said to have went to the house of defacto complainant and snatched a gold chain and caused serious injury to her. Hence, a criminal case has been registered against the petitioners.

3. The learned counsel appearing for petitioners would submit that they are innocent person and they are no way connected with the offence as alleged in the complaint. He would submit that they have been falsely implicated in the present case. He would submit that they are in jail for nearly five months. Hence, he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently opposed this petition on the ground that on the instigation of A1, the accused persons have committed the offence and they have not only snatched the chain and also caused serious injury to her. She would also submit that the investigation is also completed, final report filed and the matter is committed to Mahila Court, Krishnagiri and renumbered as SC.No.7 of 2021 and pending for framing issues. Hence, she opposed to grant bail to the petitioners.

5. Taking into consideration of the fact that, the investigation is almost completed, now the matter is pending at the stage of framing of charges 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 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.II, Hosur 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 trial court viz., Mahila Court, Krishnagiri, daily at 10.30 a.m., on all working days, 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, these Criminal Original Petitions are ordered.

-sd/-
02/03/2021

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,
NO.II, HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE MAHILA COURT,
KRISHNAGIRI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE OFFICER INCHARGE
SUB-JAIL, HOSUR.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

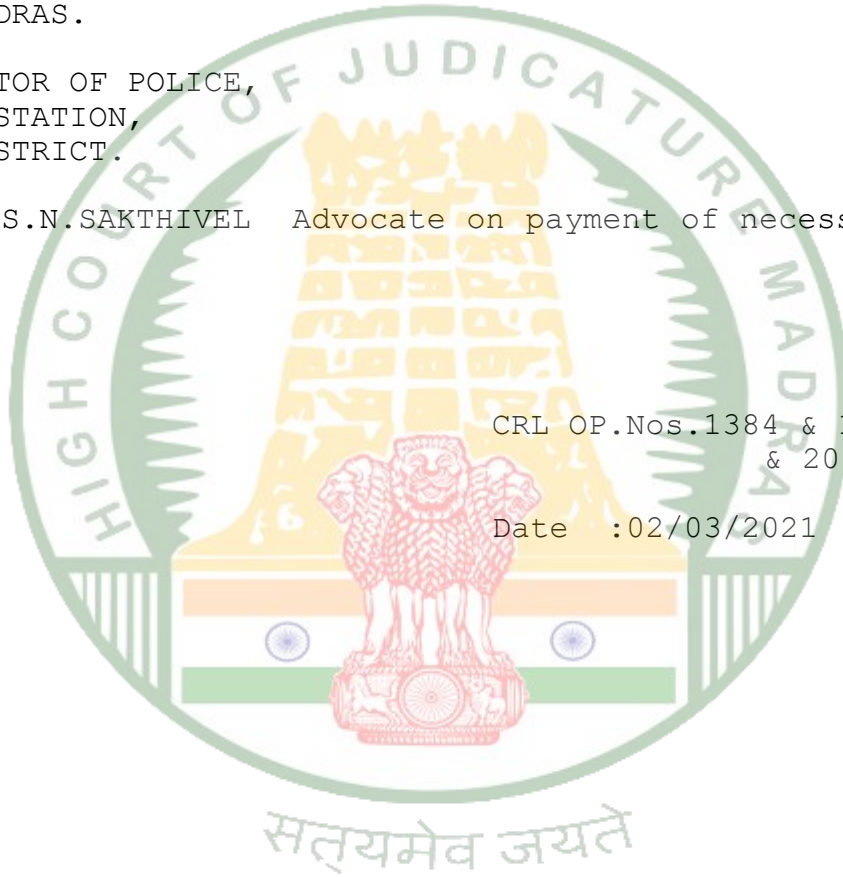
7 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
KRISHNAGIRI DISTRICT.

+1 CC to M/S.N.SAKTHIVEL Advocate on payment of necessary charges
SR.No.2640

CRL OP.Nos.1384 & 1385/2021
& 20393/2020

Date :02/03/2021

cs 03/03/2021



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