

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.827 of 2021

M. Sakthi

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
R-3 Madukarai Police Station,
Coimbatore District.
(Crime No.1867 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1867 of 2020 pending investigation on the file of the Respondent.

For Petitioner : M/s. M.Iliyas

For Respondent : Mrs. M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 30.11.2020 for the offence punishable under Section 399 IPC in Crime No.1867 of 2020 , seeks bail.

2. Totally, there are 6 accused and the petitioner is A2. The case of the prosecution is that the petitioner along with other accused persons made preparation to commit dacoity with deadly weapon. Hence, the case has been registered.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the offence. He has been falsely implicated in this case. He would further submit that, A1 in this case was granted bail by the Court below and A4 and A5, similarly placed persons were granted anticipatory bail. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that based on the confession of A1, 11 stolen cars have been recovered. She would further submit that A1 was released on bail by the Court below and two other accused were granted anticipatory bail. However, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and co-accused in this case has been released on bail and considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a 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, Madukarai, 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner 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 petitioner 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 is ordered.

-sd/-
08/02/2021

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 COURT,
MADUKARAI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
R3, MADUKARAI POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S.M.ILIYAS Advocate on payment of necessary charges
SR.NO. 1277

WEB COPY

CRL OP.827/2021

Date :08/02/2021

cs 09/02/2021