

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1691 of 2021

1.Sivakumar
2.Naveen Kumar

... Petitioners

Vs.

State by
Inspector of Police
Arani Town Police Station,
Tiruvannamalai District.
(Crime No.17/2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail as against the case pending on the file of the respondent police in Crime No.17 of 2021.

For Petitioners : Mr.B.S.Ramesh

For Respondent : Mr.M. Prabavathi,
APP

ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 10.01.2021 for the alleged offence under Section 399 of IPC in Crime No.17 of 2021, seeks bail.

2. Totally, there are 7 accused in this case and the petitioners are A4 & A5. The case of the prosecution is that all the accused persons made preparation to commit dacoity. Hence, the case has been registered against the petitioners and others.

3. The learned counsel appearing for the petitioners would submit that the petitioners are no way connected with the offence and they have been falsely implicated in this case. Hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that out of 7 accused, two accused persons, viz., A6 and A7 are still absconding and

investigation is still pending and no previous case is pending as against the petitioners.

5. Taking into consideration the facts and circumstances of the case and the fact that there is no previous case pending as against the petitioners and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioner 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, Arni 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 everyday 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/-

04/02/2021

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,
ARNI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
ARANI TOWN POLICE STATION,
TIRUVANNAMALAI DISTRICT.

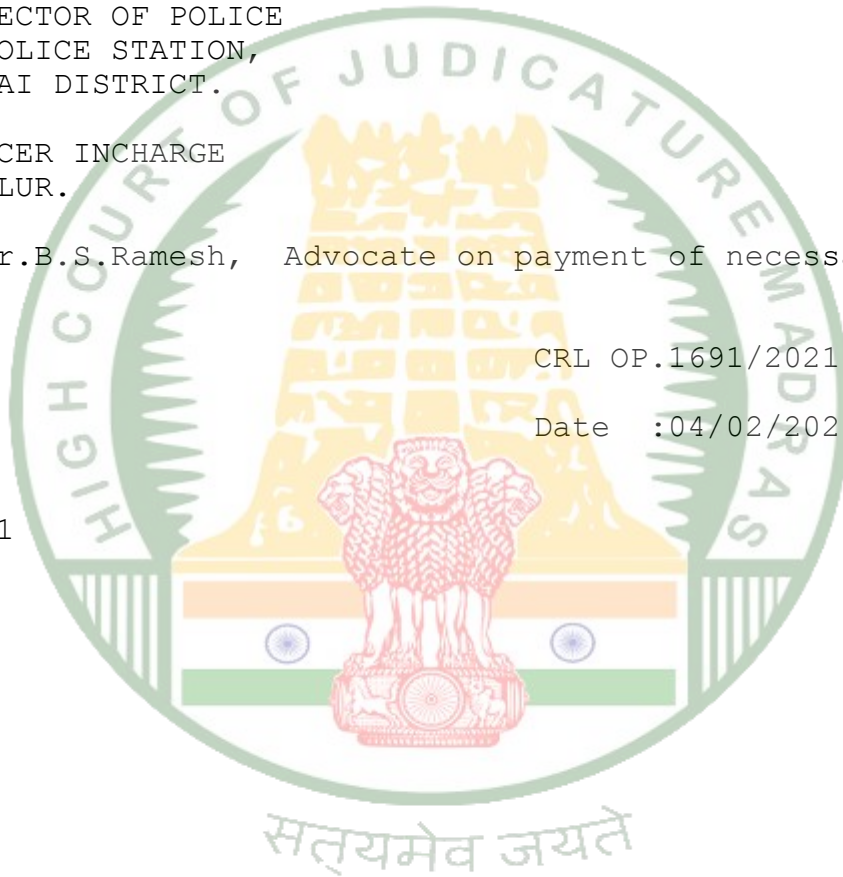
5 THE OFFICER INCHARGE
SUB JAIL, POLUR.

CC to Mr.B.S.Ramesh, Advocate on payment of necessary charges

CRL OP.1691/2021

Date :04/02/2021

TA-05/02/2021



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