

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.2507 of 2021

R.Praveen

... Petitioner

Vs.

The State Rep. by  
The Inspector of Police,  
Thiruvarur Taluk Station,  
Thiruvarur District  
(Crime No.115 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in Crime No.115 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.P.Muthamizhselvakumar

For Respondent : Mr.M. Prabavathi,  
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 14.01.2021 for an offence punishable under Section 399 IPC, in Crime No.115 of 2021, seeks bail.

2. There are totally six accused in this case and the petitioner is A2. The allegation is that the petitioner and other accused were planning to commit dacoity, while celebrating the Pongal Festival. Hence, the case came to be registered. The petitioner was arrested on 14.01.2021.

3. The learned counsel for the petitioner would submit that the petitioner is not involved in the occurrence and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody since 14.01.2021. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused were planning to commit dacoity. She would further submit that investigation is over and the final report has been filed. She would further submit that there is no previous case as against the petitioner. However, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the antecedents of the petitioner are not reported to be bad and also 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, Thiruvavarur, 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 for a period of two weeks and thereafter, as and when required for interrogation.

(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/-  
12/02/2021

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,  
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVARUR [FOR INFORMATION]

3 THE SUPERINTENDENT,  
DISTRICT PRISON, THIRUVARUR.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,  
THIRUVARUR TALUK POLICE STATION,  
THIRUVARUR DISTRICT.

CC to M/S.P.MUTHAMIZHSELVAKUMAR Advocate on payment of necessary charges

सत्यमेव जयते

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CRL OP.2507/2021  
Date :12/02/2021

cs 17/02/2021