

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3200 of 2021

1. Murugan
2. Dillibabu @ Dhiliba

... Petitioners

Vs.

State rep. by
The Inspector of Police,
M-5 Ennore Police Station,
Chennai.
(Crime No.4115 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.4115 of 2020 on the file of Respondent police.

For Petitioners : Mr.M.Nithiyavel

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

O R D E R

(The case has been heard through video conference)

Totally, there are five accused, and the petitioners are arrayed as A1 and A2. The petitioners, who were arrested and remanded to judicial custody on 16.12.2020 for the offence punishable under Sections 341, 294(b), 323, 392, 397, 506(ii) of I.P.C. in Crime No.4115 of 2020 on the file of respondent police, seek bail.

2. The case of the prosecution is that all the accused have entered into the house of defacto complainant and threatened him with knife and also taken a sum of Rs.1200/-. Hence, a criminal case has been registered against the petitioners and they were arrested and remanded to judicial custody on 16.12.2020. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for petitioners would submit that the petitioners are innocent persons, they have not involved in the offence as alleged in the complaint and they have been falsely implicated in the present case. He would submit that the arrested co-accused were released on bail and they are in jail from 19.12.2020. Hence, he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent has strongly opposed this petition on the ground that the petitioners are habitual offenders. The 1st petitioner having six previous cases, and the 2nd petitioner having nine previous cases. She would submit that now the investigation is almost completed. However, she opposed to grant bail to the petitioners.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioners as well as learned Addl. Public Prosecutor appearing for respondent.

6. Taking into consideration of the facts and circumstances, now the investigation is almost completed, the arrested co-accused were released on bail and considering the period of incarceration suffered by the petitioners for more than 80 days, 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, Tiruvottiyur. 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, after their release from prison, shall stay report before the respondent daily 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.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

08/03/2021

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,
TIRUVOTTIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON-II,
PUZHAL, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
M-5, ENNORE POLICE STATION,
CHENNAI.

+1 CC to M/S.M.NITHIYAVEL Advocate on payment of necessary charges
SR.No.2958

CRL OP.3200/2021

Date :08/03/2021

cs 09/03/2021