

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3786 of 2021

1. S.Saravanan
2. R.Surendar

... Petitioners

Vs.

State rep. by
The Inspector of Police,
M-1 Madhavaram Police Station,
Chennai.
(Crime No.3723 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.3723 of 2020 on the file of Respondent police.

For Petitioners : Mr.S.Amarnath

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

O R D E R

(The case has been heard through video conference)

The petitioners are arrayed as A1 and A2. The petitioners, who were arrested and remanded to judicial custody on 19.12.2020 for the offence punishable under Sections 398 of I.P.C. in Crime No.3723 of 2020 on the file of respondent police, seek bail.

2. The case of the prosecution is that both the petitioners have snatched the chain of the defacto complainant. Hence, they caught by the police, a criminal case has been registered against the petitioners and they were arrested and remanded to judicial custody on 19.12.2020. 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 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 and having five 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 fact that, now the investigation is almost completed, there is no previous antecedents against the petitioners and considering the period of incarceration suffered by the petitioners for more than three months, 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 District Munsif cum Judicial Magistrate, Madhavaram 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 at Villupuram and report before the Inspector of Police, Villupuram Town Police Station, Villupuram 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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
MADHAVARAM, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
M-1, MADHAVARAM POLICE STATION,
CHENNAI.

6 THE INSPECTOR OF POLICE,
VILLUPURAM TOWN POLICE STATION,
VILLUPURAM.

CC to M/S.K.MANIKANDAN Advocate on payment of necessary charges

CRL OP.3786/2021

Date :08/03/2021

cs 09/03/2021



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