

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3935 of 2021

1. Veerathamilan @ Nandu ... Petitioners
2. Murugan @ Thirunavukarasu
3. Madhavan

Vs.

State rep by ... Respondent
The Inspector of Police,
Tiruvarur Town Police Station,
Tiruvarur District.
Cr.No.205 of 2021

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Cr. No.205 of 2021 on the file of the respondent police.

For Petitioner : Mr. J. Jawahar

For Respondent : Mrs. M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioners, who were arrested and remanded to judicial custody on 04.02.2021 for the offence punishable under Section 399 of IPC in Crime No.205 of 2021, seeks bail.

2. Totally, there are 5 accused and the petitioners are arrayed as A1, A2 & A4. The case of the prosecution is that all of the accused persons said to have made preparation to commit dacoity and they were arrested on 04.02.2021. Now, seeking bail the present application has been filed.

3. The learned counsel 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 submit that all the accused made preparation to

commit robbery. She would further submit that there is no previous case pending as against the petitioners. However, she vehemently opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that no previous case pending as against the petitioners, 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, Tiruvarur, 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 shall report before the respondent police 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.

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

-sd/-

05/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
TIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
TIRUVARUR TOWN POLICE STATION,
TIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

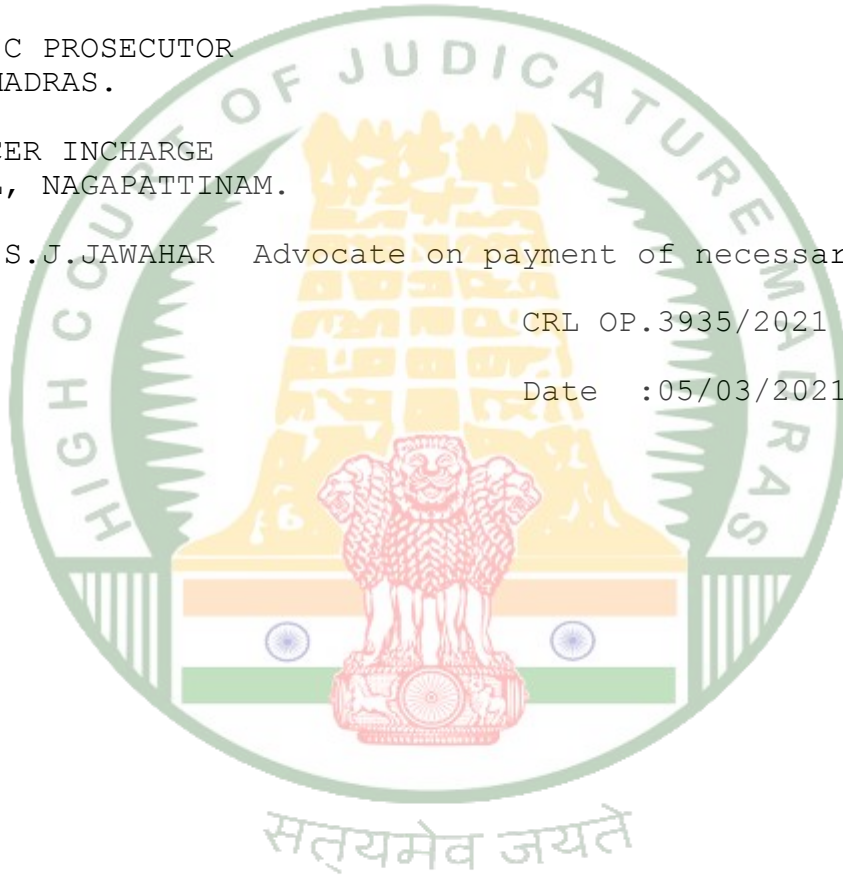
5 THE OFFICER INCHARGE
DISTRICT JAIL, NAGAPATTINAM.

CC to M/S.J.JAWAHAR Advocate on payment of necessary charges

CRL OP.3935/2021

Date :05/03/2021

TA-16/03/2021



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