

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.Nos.6484 & 7584 of 2021

Arunkumar

.. Petitioner in Crl.O.P.No.6484/2021

1. Rajapandiyan

2. Santhosh

.. Petitioners in Crl.O.P.No.7584/2021

Vs.

State represented by
Inspector of Police,
Thandrapattu Police Station,
Thiruvannamalai District.
(Crime No.2794 of 2020)

.. Respondent in both Crl.O.Ps.

Prayer: Criminal Original Petitions filed under Section 439 of Criminal Procedure Code praying to enlarge the petitioners on bail pending investigation in Crime No.2794 of 2020 on the file of the respondent police.

For Petitioner : Mr.V.Thiyagarajan
in Crl.O.P.No.6484/21

For Petitioners : Mr.N.Anbazhagan
in Crl.O.P.No.7584/21

For Respondent : Mr.C.E.Pratap
in both Crl.O.Ps G.A. (Crl.Side)

C O M M O N O R D E R

(The case has been heard through video conference)

The petitioners / A4, A6 & A7, who were arrested and remanded to judicial custody on 26.12.2020, for the offence punishable under Sections 460, 395 and 397 of IPC in Crime No.2794 of 2020, seeks bail.

2. The case of the prosecution is that totally, there are seven accused and the petitioners are arrayed as A4, A6 and A7. The petitioners and other co-accused broke open the door of defacto complainant, attacked him and also stolen gold jewels and cash. Hence, a criminal case has been registered against the petitioners. Accordingly, the petitioners were arrested and remanded to judicial

custody on 26.12.2020 and now, seeking bail, the present petitions have been filed.

3. This is the second bail application. Earlier, this Court dismissed the bail application filed by the petitioners on 22.02.2021, considering the seriousness of offence and also the bad antecedents of the petitioners.

4. The learned counsel appearing for the petitioners would submit that the investigation is over, the final report has been filed and the matter is pending for committal. The learned counsel further submitted that now the stolen articles have been recovered and that the petitioners are in judicial custody since 26.12.2020. Hence, the learned counsel seeks bail to the petitioners.

5. The learned Government Advocate (Crl.Side) strongly opposed the granting of bail to the petitioners. He submitted that the earlier bail application moved by the petitioners were dismissed by this Court on 22.02.2021, in Crl.O.P.No.2092 of 2021. He further submitted that the petitioners have bad antecedents, A4 has one previous case, A6 has four previous case and A7 has no previous case. He further submitted that some of the stolen articles were recovered from the accused and the cash stolen by the accused were not recovered. That apart, A1 to A3 were detained under the Goondas Act.

6. Hear both sides.

7. Taking into consideration the facts and circumstances of the case, and the fact that investigation is over, final report has been filed and some of the stolen articles were recovered from other accused and the petitioners were in incarceration for nearly 7 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 Judicial Magistrate, Thandarampattu, Thiruvannamalai District 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 Committal Court, daily at 10.30 a.m., on all working days 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.

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

-sd/-

18/06/2021

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,
THANDARAMPATTU, THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
THANDRAMPATTU POLICE STATION,
THIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

CC to M/S. V.THIYAGARAJAN Advocate on payment of necessary
charges

Crl.O.P.Nos.6484 & 7584 of 2021

Date :18/06/2021

RVR 21/06/2021



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