

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4960 of 2021

1. Gnanavel
2. Gunasekar

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Thiruvannamalai Taluk Police Station,
(Crime No.110 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.110 of 2021 on the file of Respondent police.

For Petitioners : Mr.T.Shanmugam

For Respondent : Mr.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 24.02.2021 for the offence punishable under Sections 399 of I.P.C. in Crime No.110 of 2021 on the file of respondent police, seeks bail.

2. The case of the prosecution is that earlier, the petitioners have abducted one Shanmugam, who is brother of defacto complainant and subsequently, he has escaped from illegal custody. Now, the present complaint has been registered against the petitioners stating that they said to have stopped all the vehicles and indulged in looting. Hence, a criminal case has been registered, and the petitioners were arrested and remanded to judicial custody on 24.02.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioners would submit that they have been falsely implicated in this case. Earlier, the petitioners were arrested in a criminal case registered in Crime No.107 of 2021 on the ground that they have abducted one Shanmugam and subsequently, the present false complaint has been registered. Hence, they were arrested on 24.02.2021 and they were in jail for more than one month. Therefore, he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that now, all the accused have made a preparation to commit decoity. She would submit that there is no bad antecedents pending against the petitioner and the investigation is almost completed. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that earlier, another criminal case was registered against the petitioners in Crime No.107 of 2021 and subsequently, they were released on bail and also considering the fact that the petitioners were already granted bail in Crime No.107 of 2021 and considering the period of incarceration suffered by the petitioners from 24.02.2021, 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 No.2, Thiruvannamalai 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 report before the respondent police as and when required for interrogation;

(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/-

15/03/2021

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,
NO.2, THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
THIRUVANNAMALAI TALUK POLICE STATION.

+1 CC to M/S.T.SHANMUGAM Advocate on payment of necessary charges
SR.No.3368

CRL OP.4960/2021

Date :15/03/2021

cs 16/03/2021