

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.6026 of 2021

1. Rajesh
2. Ragul

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Cheyyur Police Station, G-4,
Kancheepuram.
(Crime No.16 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.16 of 2021 pending investigation on the file of the Respondent.

For Petitioners : Mr.M.Subash

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

O R D E R

(The case has been heard through video conference)

Totally, there are six accused and the petitioner is arrayed as A5 and A6. The petitioners, who were arrested and remanded to judicial custody on 25.01.2021 for the offence punishable under Sections 341, 394 @ 397 of I.P.C., in Crime No.16 of 2021, seeks bail.

2. The case of the prosecution is that the defacto complainant was working as a Draughtsman. On the date of occurrence, while he is carrying an amount of Rs.7,50,000/- from the TASMAR bar along with his friend, all the accused have waylaid the defacto complainant, attacked him and stolen the money. Hence, a criminal case has been registered against them and the petitioners were arrested and remanded to judicial custody on 25.01.2021. Now, the present petition has been filed seeking bail.

3. The learned counsel appearing for the petitioners would submit that they are innocent persons, they have been falsely implicated in this case and they are not present in the scene of occurrence. Due to previous enmity with the police, a false case has been foisted against the petitioners. Now, they are in jail for 70

days and the investigation is almost completed and the stolen money was also recovered. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would oppose this petition on the ground that all the six accused have waylaid the defacto complainant, attacked him and stolen money nearly more than Rs.7 lakhs. Now, all the accused were arrested and a sum of Rs.6 lakhs was recovered from the accused. She would submit that the investigation is almost completed, and there is no bad antecedents against the petitioners. Hence, she opposed to grant bail to the petitioners.

5. Taking into consideration of the facts and circumstances, the occurrence taken place on 25.01.2021, the other arrested accused are released on bail, the stolen money was recovered, the investigation is almost completed, and also considering the period of incarceration suffered by the petitioners for nearly two 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 executing 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, Cheyyur, Kancheepuram Dt., 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, on their release from prison, 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/-

31/03/2021

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, CHEYYAR, KANCHEEPURAM
DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
CHEYYUR POLICE STATION,
G-4, KANCHEEPURAM.

5 THE OFFICER INCHARGE,
DISTRICT PRISON, CHENGALPET.

CC to M/S. SWARNAM J. RAJAGOPALAN Advocate on payment of
necessary charges SR.NO. 4319

CRL OP.6026/2021

Date : 31/03/2021

rvr 01/04/2021

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