

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.6062 of 2021

1. Krishnakumar
2. Muruganandham
3. Rajkumar
4. Akash

... Petitioners

Vs.

State Rep. by
Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
(Crime No.357 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail pending investigation in Crime No.357 of 2021 on the file of the respondent police.

For Petitioners : M/s. Swami Subramanian

For Respondent : Mrs. M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioners, who were arrested and remanded to judicial custody on 02.03.2021 for the offence punishable under Sections 399 of IPC in Crime No.357 of 2021, seeks bail.

2. Totally, there are 5 accused and the petitioners are arrayed as A1 to A4. The case of the prosecution is that the petitioners along with other accused said to have prepared to commit dacoity. Hence, the complaint came to be registered.

3. The learned counsel for the petitioners would submit that the petitioners have been falsely implicated in this case only for statistical purpose and they have not committed any offence as alleged by the prosecution. He is in jail from 02.03.2021. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that all the accused planned to commit dacoity. Now, investigation is almost completed. She would further submit that there is no previous case pending as against this 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 there is no previous case pending as against the petitioners and investigation is almost completed and also taking note of the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:-

(a) Accordingly, the petitioners is 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, Thoruthuraipoondi, Thiruvarur 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 respondent police, daily at 10.30 a.m., for a period of two weeks and thereafter, 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 filed under Section 229A IPC.

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

-sd/-
26/03/2021

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,
THIRUTHURAIPOONDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB-JAIL, THIRUTHURAIPOONDI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S.SWAMI SUBRAMANIAN Advocate on payment of necessary charges

CRL OP.6062/2021

MK:29/03/2021

Date :26/03/2021

WEB COPY