

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.03.2021

CORAM :

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.6123 of 2021

1. Jeeva @ Jeevanantham
2. Mani @ Manikandan
3. Ganesan
4. Venkatesan @ Thakkali
5. Arun @ Sottai
6. Guhan @ Vellai
7. Subash
8. Selvakumar @ Dolock

... Petitioners

Vs.

State Rep. by
Inspector of Police,
Periyapalayam Police Station,
Thiruvallur District.
(Crime No.84 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.84 of 2021 on the file of the respondent police.

For Petitioners: Mr. S.Senthilvel

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 07.03.2021 for the offence punishable under Sections 294(b), 353, 399 of IPC in Crime No.84 of 2021, seek bail.

2. The case of the prosecution is that all of the petitioners/accused persons said to have made preparation to commit dacoity. Hence, the criminal case has been registered against them.

3. The learned counsel appearing for the petitioner submitted that the petitioners are innocent persons and they are no way connected with the offence. A false case has been foisted as against the petitioners only for statistical purpose. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and considering 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 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 District Munsif cum Judicial Magistrate, Uthukottai, 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, once in a week, i.e. on every Monday, at 10.30 a.m., till the date of filing charge sheet;

(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/-

29/03/2021

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

TRUE COPY

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
UTHUKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERIYAPALAYAM POLICE STATION,
THIRUVALLUR DISTRICT.

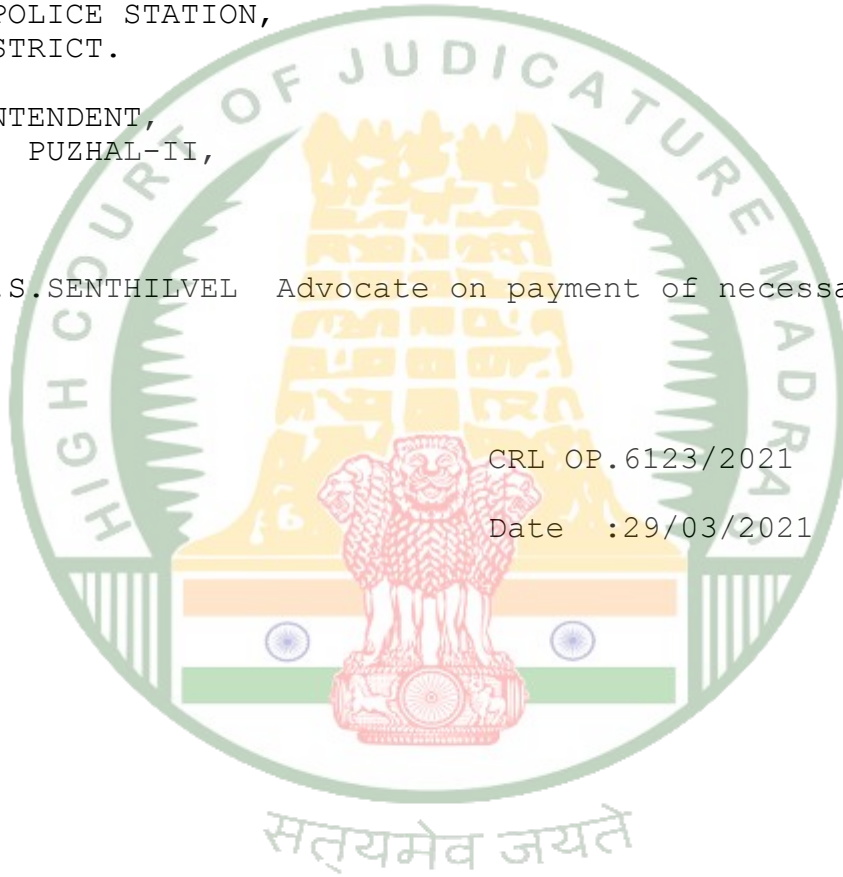
5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI-II,
CHENNAI.

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

CRL OP.6123/2021

Date :29/03/2021

MN-30/03/2021



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