

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.05.2021

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CRL.OP.No.8441/2021

1.Santhosh Kumar
2.Ashok Kumar

.. Petitioners

Versus

State rep.by
The Sub Inspector of Police
Sethupattu, Tiruvannamalai.

... Respondent

Prayer:- Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in crime No.69/2021 on the file of the respondent police.

For Petitioners : Mr.R.Dakshina Murthy

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

- (1) The petitioners, who were arrested on 24.03.2021 for the offences punishable under Sections 294[b], 392 read with 397 of IPC in Crime No.69/2021 on the file of the respondent police, seek bail.
- (2) The case of the prosecution is that on 10.02.2021 at about 11.45 p.m., the petitioners and the other accused said to have robbed the defacto complainant, a cell phone and cash of Rs.20,000/- at knife point. Hence, the complaint.
- (3) The learned counsel for the petitioners submitted that the petitioners are innocent and they are in judicial custody from 24.03.2021 and seeks bail for the petitioners.
- (4) The learned Additional Public Prosecutor submits that both the petitioners are having one previous case each, of similar nature and prays for dismissal of this petition.
- (5) Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners.

(6) Accordingly, the petitioners are ordered to be released on bail on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Polur, Tiruvannamalai District, and on further condition that:

- a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.
- b) the petitioners shall report before the respondent police daily at 10.30 am. and 5.00 p.m, until further orders.
- c) the petitioners shall not abscond either during investigation or trial.
- d) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- e) On breach of any of the aforesaid conditions, the learned 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].
- f) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

12/05/2021

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,
POLUR, TIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE SUB-INSPECTOR OF POLICE,
SETHUPATTU, TIRUVANNAMALAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

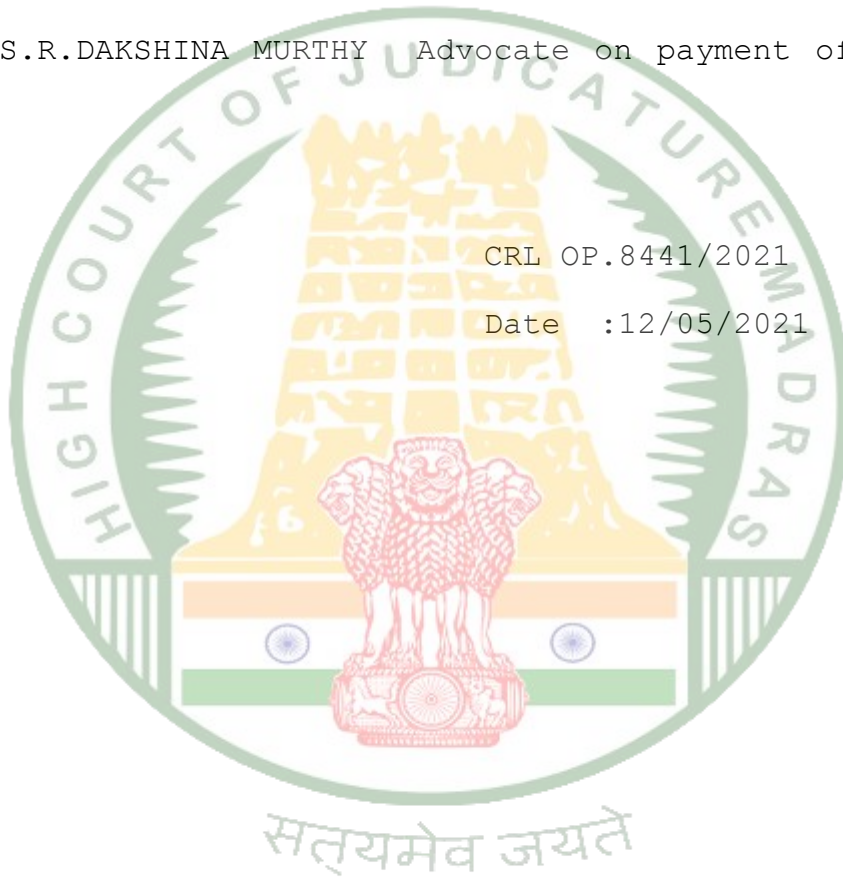
5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

CC to M/S.R.DAKSHINA MURTHY Advocate on payment of necessary
charges

CRL OP.8441/2021

Date :12/05/2021

RVR 13/05/2021



WEB COPY