

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM :

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

CrI.O.P.No.8620 of 2021

1.Yuvaraj  
2.Kumar

... Petitioners/Accused No.1 & 2

Vs.

The State Rep by  
The Inspector of Police,  
Velur Police Station,  
Namakkal District.  
(Crime No.271 of 2021)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail pending investigation in Crime No.271 of 2021 on the file of the respondent.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.L.Charles Premkumar  
Government Advocate (CrI. Side)

**ORDER**

(The case has been heard through video conference)

Heard the learned counsel on either side.

2. The petitioners are in custody since 06.03.2021 for the offences under Sections 399 and 402 of IPC.

3.The learned Government Advocate appearing for the respondent would pointed out that the petitioners having bad antecedents. In fact, they were also convicted.

4.The petitioners' counsel pointed out that those cases pertain to the year 2012. The case on hand appears to be one of preparation, from a reading of the First Information Report it does not appear that there was any real attempt made. Since it is a case of preparation, taking note of period of incarceration of 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 separate 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, Paramathy, 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 everyday at 10.30 a.m for a period six weeks.

(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.

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

सत्यमेव जयते  
-sd/-  
06/05/2021

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

WEB COPY  
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,  
PARAMATHY.

2 THE CHIEF JUDICIAL MAGISTRATE  
NAMAKKAL [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,  
VELUR POLICE STATION,  
NAMAKKAL DISTRICT.

4 THE SUPERINTENDENT,  
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary  
charges SR.NO. 5896

CRL OP.8620/2021

Date :06/05/2021

MN-07/05/2021

सत्यमेव जयते

WEB COPY