

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM :

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

Crl.O.P.No.8752 of 2021

1.Karthikeyan
2.Sathiya
3.Sivanramadass

... Petitioners

Vs.

State rep. By
The Inspector of Police,
Kandachipuram Police Station,
Kandachipuram, Tirukoilur,
Villupuram District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to grant bail to the petitioners pending investigation in Crime No.185 of 2021 on the file of the respondent Police and confined in Villupuram Jail.

For Petitioner : Mr.M.Gnanasekar

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

ORDER

(The case has been heard through video conference)

Heard the learned counsel on either side.

2. The petitioners are in custody since 21.04.2021 for the offence under Sections 364(A), 395, 397 and 506(ii) of IPC r/w Sections 25(1B) (a) and 27(1) of Arms Act. The Petitioners seek bail.

3.It is not in dispute that the property involved has since been recovered. There is no previous as against the petitioners. The petitioners' counsel would state that a counter complaint has been given at the instance of one Senthilnathan. There appears to be a dispute between the defacto-complainant and the said Senthilnathan.

No specific overtact is attributed to the petitioners.

4.The learned Government Advocate states that he wants time since he is not having any instructions in this matter. It is stated that the case on hand is similar to CrI.O.P.No.8633 of 2021 in which, bail was granted to the petitioner therein. I am also satisfied that when the co-accused has been granted bail, the petitioners cannot be given a different treatment. I wanted to know whether the petitioners are having any previous case. The learned counsel for the petitioners assumes responsibility and states that the petitioners are not having any previous case.

5.Recording the said submissions, 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, Thirukoilur 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 not commit any offences of similar nature;

(d) the petitioners shall not abscond either during investigation or trial;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
06/05/2021

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,
THIRUKOILUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KANDACHIPURAM POLICE STATION,
TIRUKOILUR, VILLUPURAM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VILLUPURAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.GNANASEKAR Advocate on payment of necessary charges SR.NO. 5964

WEB COPY

CRL OP.8752/2021

Date :06/05/2021

MN-07/05/2021