

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Crl.O.P.No.9418 of 2021

1. J. Sivakumar
2. R. Bharath

..Petitioners

Versus

State rep. by
Inspector of Police
Moolanur Police Station
Tiruppur District
Crime No.126 of 2021

..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.126 of 2021 on the file of the respondent police.

For Petitioners : Mr.V. Anandhamoorthy

For Respondent : Mr.E.Rajthilak
Counsel for Government (Crl side)

ORDER

The petitioners, who were arrested and remanded to Judicial Custody on 06.05.2021 for the offences punishable under Sections 147, 148, 448, 294(b), 506(ii) and 120(B) of IPC and Section 3(1) and 4 of Tamil Nadu Property (Prevention of Damage and Loss) Act, in Crime No.126 of 2021, on the file of the respondent police, have filed the present bail petition.

2. The case of the prosecution is that the accused trespassed in the the house of the defacto complainant and damaged his Scorpio car bearing Reg. No.TN 47 V 4974 and Bike bearing Reg. No.TN 78 B 2862 and also set it on fire. They also threatened the defacto complainant with dire consequences.

3. Mr. V. Anandhamoorthy, the learned counsel appearing for the petitioners contended that the petitioners are in no way connected with the case and that they have been falsely implicated.

4. Per contra, the learned counsel appearing for the Government (Cr1.Side), on instructions, would contend that the accused have been arrested on 06.05.2021 and that A6 was enlarged on bail by the Second Additional Sessions Judge, Tiruppur on 13.05.2021.

5. Considering the period of incarceration of the present petitioners and also considering the present pandemic situation, this Court is inclined to grant bail to the petitioners and accordingly the petitioners are ordered to be released on bail subject to the following conditions:-

(a) each petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the District Jail, Tiruppur, in which the petitioners are confined and thereafter on their release;

(b) each petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Dharapuram, Tiruppur District, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;;

(C) 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.

(d) the petitioners shall report before the respondent police daily at 10.00 a.m., until further orders.

(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, Dharapuram, Tiruppur District, is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Judicial Magistrate, Dharapuram, Tiruppur District, 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.

-sd/-
19/05/2021

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,
DHARAPURAM, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE SECOND ADDITIONAL SESSIONS JUDGE,
TIRUPPUR.

4 THE SUPERINTENDENT,
DISTRICT JAIL, TIRUPPUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
MOOLANUR POLICE STATION,
TIRUPPUR DISTRICT.

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

CRL OP.9418/2021

Date :19/05/2021

cs 24/05/2021