

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.Nos.9777 and 9796 of 2021

Rajeshkumar

...Petitioner in
Crl.O.P.No.9777 of 2021

N.Karthi

...Petitioner in
Crl.O.P.No.9796 of 2021

Vs.

State represented by
The Inspector of Police,
Palladam Police Station,
Tiruppur District,
(Crime No.358 of 2021)

... Respondent in both Crl.O.Ps.

PRAYER: Criminal Original Petitions have been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in Crime No.358 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.J.Franklin
(in Crl.O.P.No.9777 of 2021)

For Petitioner : Mr.N.Chinnraj
(in Crl.O.P.No.9796 of 2021)

For Respondent : Mr.E.Raj thilak
(in both Crl.O.Ps.)
counsel appearing for
Government of Tamil Nadu (Crl side)

COMMON ORDER

The petitioners who were arrested on 24.04.2021 and remanded to judicial custody for the offences punishable under Sections 394 @ 395, 397 of IPC in Cr.No.358 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with other accused persons have attacked the defacto complainant with stone and knife and looted a sum of Rs.4,500/, one mobile phone and SBI ATM card from the defacto complainant. Hence, the complaint was registered.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in these cases and the petitioners have been in jail from 24.04.2021 Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that there are totally 5 accused persons involved in these cases and the present petitioners are arrayed as A2 and A3, respectively. He would further submit that the investigation is almost completed. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Having regard to the nature of allegations and considering the fact that the substantial investigation is over, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) the petitioner in Crl.O.P.No.9777 of 2021 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Central Prison, Coimbatore, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) the petitioner in Crl.O.P.No.9796 of 2021 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of District Jail, Tiruppur, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(c) (i) After the lockdown restrictions are raised and normal time is restored, the restrictions are totally raised, each of the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum amount each to the satisfaction of the learned Judicial Magistrate, Palladam, The same shall be executed within a period of one month from the date the lockdown restrictions are raised.

(ii) If for any reason, the petitioners are not able to execute bond within the specified time, the petitioners shall approach this Court and file a petition seeking extension of time for the same.

(iii) While executing the bond, the sureties shall furnish proof of identity and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate shall obtain a copy of their Aadhar card or Voter ID or Driving license or Bank pass Book to ensure their identity to the satisfaction of the learned Judicial Magistrate, Palladam.

(d) After the lockdown restrictions are raised, normal time is restored, the petitioners shall abide by the following conditions imposed by this Court. The petitioners shall not interfere, influence or cause hindrance to the pending investigation.

(e) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

(f) the petitioners shall not influence, threaten or coerce the evidence or witness either during investigation or trial;

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

(h) 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]; and;

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

-sd/-
03/06/2021

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,
PALLADAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE SUPERINTENDENT OF DISTRICT JAIL,
TIRUPPUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

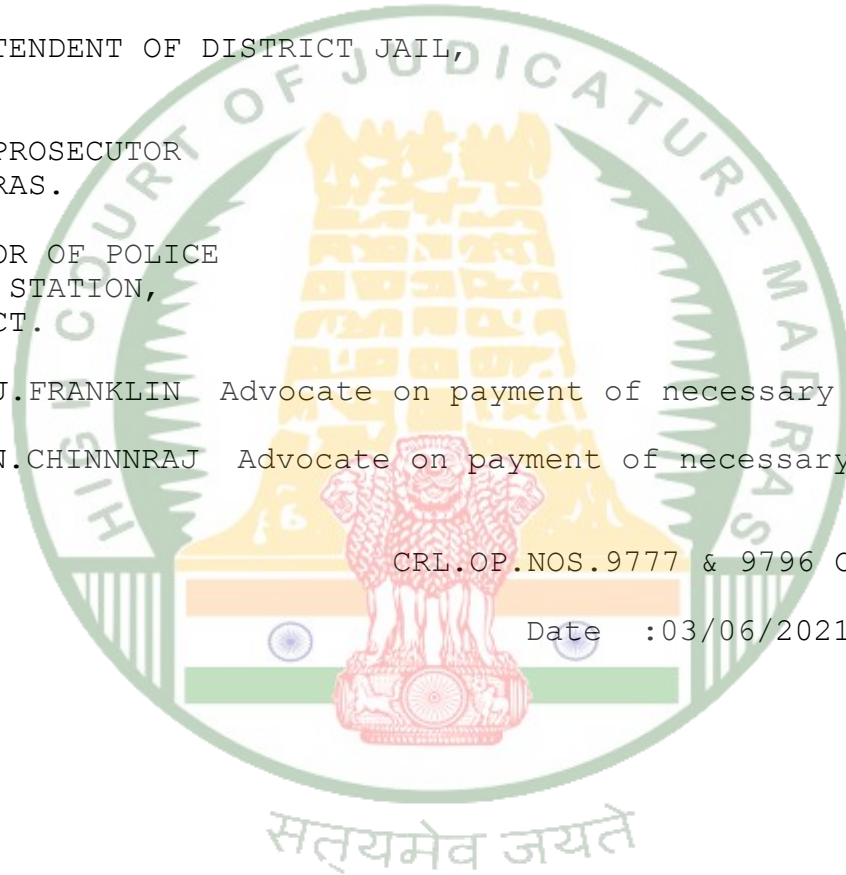
CC to M/S.J.FRANKLIN Advocate on payment of necessary charges

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

CRL.OP.NOS.9777 & 9796 OF 2021

Date :03/06/2021

MK:04/06/2021



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