

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11119 of 2021

1. Muthamil
2. Prasanth
3. Sathik
4. Prakashraj
5. Elavarasan

... Petitioners

Vs.

The State Represent by
The Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri District.
Cr.No.188/2021

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in connection with the case in Cr.No.188 of 2021 pending investigation on the file of the respondent Police.

For Petitioners : Mr.M.P.Saravanan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl side)

ORDER

The petitioners, who were arrested on 18.06.2021 and remanded to judicial custody for the offences under Section 399 and 402 of IPC in Cr.No.188 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 17.06.2021, when the defacto complainant came to the temple, the petitioners appear to have planned to commit dacoity to the persons who come to the temple.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and due to statistical purpose, the respondent police registered a false case against the petitioners and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that there are two previous cases pending against A1 and there is one previous case pending against A2, A3 and A4 and there is no previous case pending against A5 and they are the habitual offenders. Hence, he vehemently opposed to grant bail to the petitioners.

5. Insofar as the petitioners 1 to 4 are concerned, they are habitual offender and they have several previous cases pending against them, this Court is not inclined to grant bail to the petitioners 1 to 4. Considering the facts and circumstances of the case and there is no previous case pending against the 5th petitioner and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the 5th petitioner subject to the following conditions:

(a) the 5th petitioner shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent, Central Prison, Salem, in which the 5th petitioner is confined and on such execution the petitioner shall be released from prison;

(b) Within a period of four weeks after the release, the 5th petitioner 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 learned Judicial Magistrate-II, Krishnagiri;.

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the 5th petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(d) 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;

(e)the 5th petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(f)the 5th petitioner shall not tamper with evidence or witness either during investigation or trial;

(g)the 5th petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

6. In the result, this Criminal Original Petition is dismissed as against the petitioners 1 to 4 and this petition is ordered insofar as the 5th petitioner is concerned.

-sd/-
29/06/2021

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.

सत्यमेव जयते

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

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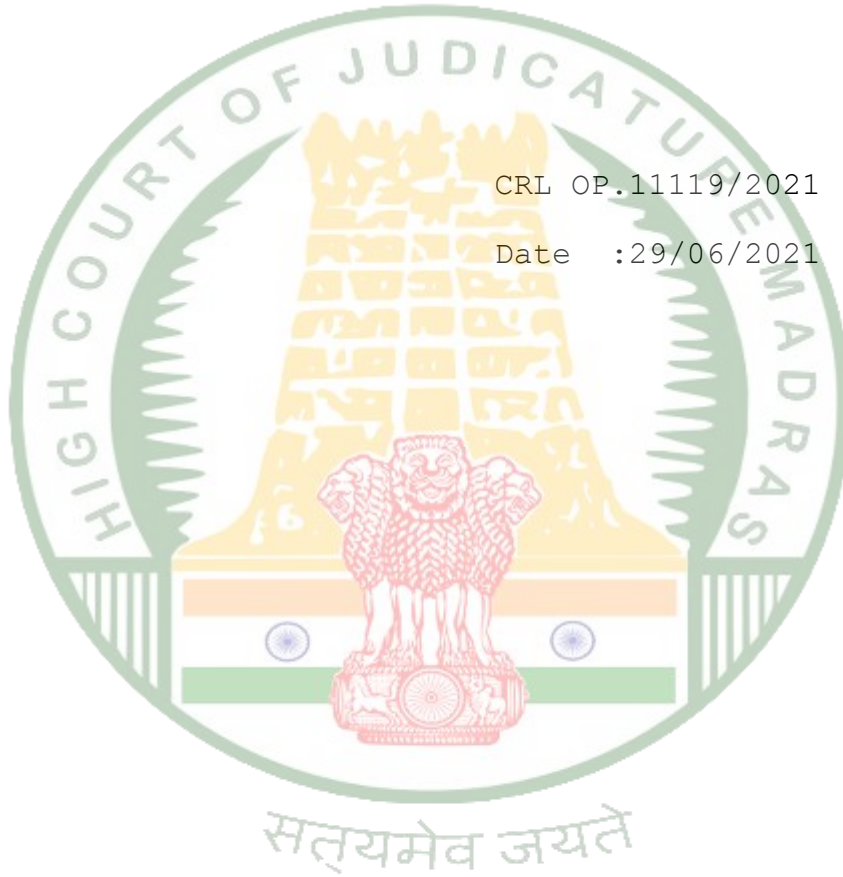
3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KRISHNAGIRI TALUK POLICE STATION,
KRISHNAGIRI DISTRICT.

CC to M/S. M.P.SARAVANAN Advocate on payment of necessary
charges

cs 30/06/2021



CRL OP.11119/2021

Date :29/06/2021

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