

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.11477 of 2021

1. Divyasri
2. Raja
3. Manjunath
4. Venkatesh

... Petitioners

Vs.

The State Represent by
The Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.
Crime No.134 of 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.134 of 2021 pending investigation on the file of the respondent Police.

For Petitioners: Mr.M.P.Saravanan

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

ORDER

The petitioners, who were arrested on 12.06.2021 and remanded to judicial custody for the offence under Section 392, 397 of IPC subsequently altered into 395, 397 of IPC in Cr.No.134 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 10.06.2021, the petitioners along with other accused persons have entered into the defacto complainant's home and they have demanded 20 Lakhs at knife point and thereafter, broke open the bureau and taken 9 sovereigns of gold articles, two cell phone worth about Rs.14,000/- and Rs.5,000/- cash from the defacto complainant and hence, the defacto complainant has lodged a complaint before the respondent Police.

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 this case and the petitioners have been in jail from 12.06.2021. Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that the petitioners have involved in theft and stolen 9 sovereigns of gold articles, two cell phone worth about Rs.14,000/- and Rs.5,000/- cash. The respondent police have recovered half sovereigns of gold so far and hence, he vehemently opposed grant bail to the petitioners.

5. Considering the period of incarceration suffered by the petitioners and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioners subject to the following conditions:

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

(b) Within a period of four weeks after the release, the petitioners shall execute an individual bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned DM cum Judicial Magistrate, Denkanikottai;.

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

(f) the petitioners shall not tamper with 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

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.

-sd/-
06/07/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
DENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KELAMANGALAM POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

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

CRL OP.11477/2021

Date :06/07/2021

MN-07/07/2021