



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.16445 of 2021

Muthamil

... Petitioner

Vs.

The State of Tamil Nadu
rep. by Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri District
(Crime No.188 of 2021)

... Respondent

COMMON PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending investigation in Crime No 188 of 2021 on the file of the respondent police.

For Petitioner : Mr.M. P. Saravanan

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

ORDER

The petitioner was arrested on 18.06.2021 and remanded to judicial custody for the offences under Sections 399 and 402 of I.P.C in Crime No.188 of 2021 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 17.06.2021 when the defacto complainant came to the temple, the petitioner along with other accused have planned to commit dacoity to the general public. Hence the complainant.

3. The learned counsel appearing for the petitioners submitted that these petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and he is in judicial custody from 18.06.2021. Hence, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that this Court had earlier dismissed the bail application for the petitioner in Crl.O.P.No.12561 of 2021 dated 22.07.2021. He further



submits that the investigation was completed. However, the learned Government Advocate opposed for grant of bail to the petitioner.

5. Considering the submissions made by the petitioner and as the investigation was completed, there is change of circumstances and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a 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 Court -II, Krishnagiri** and on further condition that:

(a) 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;

(b) **the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;**

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

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

(e) 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;

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

-sd/-
14/09/2021

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.



1 THE JUDICIAL MAGISTRATE,
NO.II, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

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

CRL OP.16445/2021

Date :14/09/2021

TA-15/09/2021