



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2021

WEB COPY

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.12750 of 2021

1. Manigandan
2. Sakkarai @ Balakrishnan
3. Vijay

... Petitioners

Vs.

The State Represent by
The Inspector of Police,
Cheyyar Police Station,
Cheyyar, Tiruvannamalai District.
Crime No.613 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. 613 of 2021 pending investigation on the file of the respondent Police.

For Petitioners : Mr.B.Jawahar

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

ORDER

The petitioners, who were arrested on 11.07.2021 and remanded to judicial custody for the offence under Section 399 of IPC in Cr.No.613 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that when the respondent police conducted regular check up, the petitioners and other accused persons appear to have committed dacoity to the general public.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they are no way connected with the alleged offence and they have been falsely implicated in this case and the petitioners are confined in prison from 11.07.2021. Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate (CrI.Side) submitted that there is no previous case pending against the petitioners.



5. Considering the period of incarceration suffered by the petitioners and also the present COVID-19 pandemic situation and there is no previous case pending against the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Cheyyar 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 petitioners are directed to appear before the respondent police daily morning at 10.30 am until further orders;

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

(d) the petitioners 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 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;

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

-sd/-
23/07/2021

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 JUDICIAL MAGISTRATE,
CHEYYAR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB-JAIL, POLUR.

4 THE INSPECTOR OF POLICE,
CHEYYAR POLICE STATION,
CHEYYAR, THIRUVANNAMALAI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.B.JAWAHAR Advocate on payment of necessary charges

CRL OP.12750/2021

Date :23/07/2021

MK:26/07/2021