



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.14806 of 2021

WEB COPY

1. Lakshmipathi ... Petitioners
2. Ashick @ Ashik
3. Dhilipkumar

Vs.

State rep by, ... Respondent
The Inspector of Police,
Thally Police Station,
Krishnagiri District.
(Crime No.157 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioners on bail concerned in Crime No.157 of 2021 pending on the file of the respondent.

For Petitioner : Mr. G.Mohammed Aseep

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

ORDER

The petitioners who were arrested and remanded to judicial custody on 16.07.2021 for the offences under Section 399 of I.P.C in Crime No.157 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners appear to have planned to rob the empty house. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they are no way connected with the alleged offences and they have been falsely implicated in this case. He further submits that the petitioners have been jail from 16.07.2021. He further submits that the petitioners in order to



comply with the order before the respondent police, a false case has been registered. 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 the first petitioner and there is one previous case pending against the petitioners 2 and 3. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that there are two previous cases pending against the first petitioner for the offence under Sections 302 and 399 IPC. Therefore, this Criminal Original Petition is dismissed against the first petitioner. Hence, this Court is inclined to grant bail to the petitioners 2 and 3 with certain conditions.

6. Accordingly, the petitioners 2 and 3 are ordered to be released on bail on their executing a separate 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 Judicial Magistrate Court, Thenkanikottai, 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 2 and 3 shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 and 3 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/-

19/08/2021

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,
THENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

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

4 THE SUPERINTENDENT
CENTRAL PRISON,
SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. G.MOHAMMED ASEEF Advocate on payment of necessary charges SR.NO.8868

CRL OP.14806/2021

Date :19/08/2021

CSK 23/08/2021