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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.16318 of 2021

1. Prabu
2. Sekar
3. Vinothbabu

... Petitioners

Vs.

State, Rep by
The Inspector of Police,
Mechari Police Station,
Salem District.
(Crime No.439 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 Crime No.439 of 2021 on the file of the respondent police.

For Petitioners : Mr.R. Parthiban

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

ORDER

The petitioners, who were arrested on 10.08.2021 and remanded to judicial custody for the offences under Sections 341,294(b),323, 392 and 397 of I.P.C, in Cr.No.439 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners came in a two wheeler and waylaid the defacto complainant and abused him with filthy language and attacked him with hands and stolen the lorry. Hence the law enforcing agency registered a case against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and further



that they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. . Hence prays for grant of bail.

4. The learned Government Advocate (Crl.Side) submitted that there is one previous case pending against the first petitioner/A2 and there was no previous cases pending against the second and third petitioners A3 and A4. He further submits that the stolen property was recovered.

5. Considering the fact that there is one previous case pending against the first petitioner/A2 this Court is not inclined to grant bail to the first petitioner/A2 and this petition is dismissed with regard to the first petitioner/ A2. With regard to the second and third petitioners who are A3 and A4 respectively considering the period of incarceration suffered by the petitioners and there is no previous case pending against them, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the second and third petitioners/A3 and A4 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 learned Judicial Magistrate-II, Salem 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 second and third petitioners/A3 and A4 shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the second and third petitioners/A3 and A4 shall not tamper with evidence or witness either during investigation or trial;

(d) the second and third petitioners/A3 and A4 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

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-sd/-

07/09/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MECHARI POLICE STATION,
SALEM DISTRICT.

CC to M/S. R.PARTHIBAN Advocate on payment of necessary charges

CRL OP.16318/2021

Date :07/09/2021

RW 08/09/2021