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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.17166 of 2021

1.Angaiah
2.Govindarajulu

... Petitioners

Vs.

The State Tamil Nadu rep by
The Inspector of Police, (L&O)
Chengam Police Station,
Chengam, Tiruvannamalai.
(Crime No.510 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners pending investigation in Crime No.510 of 2021 on the file of the respondent police.

For Petitioners : Mr.A.Thirumaran

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

ORDER

The petitioners, who were arrested on 04.08.2021 and remanded to judicial custody for the offences under Section 392 of IPC, in Crime No.510 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners had robbed a sum of Rs.3,00,000/- from the defacto complainant. Hence, the complaint.

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. He further submitted that the sotlen amount has been recovered. Therefore, he prays to grant bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the stolen amount has been recovered. He further submitted that there are three previous cases pending as against the first petitioner and there is no previous case pending against the second petitioner. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Considering facts and circumstances of the case and also the fact that there are three previous cases pending as against the first petitioner. Therefore, this Criminal Original Petition is dismissed as against the first petitioner and there is no previous case pending as against the second petitioner and considering the period of incarceration suffered by the second petitioner, this Court is inclined to grant bail to the second petitioner with certain conditions:

6. Accordingly, the second 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, one surety shall be a blood surety and other one is local surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Chengam, Tiruvannamalai District. 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 petitioner shall report before the respondent police, daily at 10.30 a.m. and 05.30 p.m., until further orders;

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

(d) the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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.

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-sd/-
17/09/2021

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.

TO

1 THE JUDICIAL MAGISTRATE
CHENGAM, TIRUVANNAMALAI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE (L & O),
CHENGAM POLICE STATION,
CHENGAM, THIRUVANNAMALAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

+1 CC to M/S. A. THIRUMARAN Advocate on payment of necessary charges SR.No.10244

CRL OP.17166/2021

Date :17/09/2021

APN 20/09/2021