



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.18212 of 2021

WEB COPY

1. Rajasekaran @ Yesu
2. Robi Bose @ Bose

... Petitioners

Vs.

The State
Rep. by Inspector of Police,
Vellavedu Police Station,
Vellavedu, Thiruvallur District.
(Crime No.540 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.540 of 2021 pending investigation on the file of the respondent police.

For Petitioners : M/s.M.Jayasree

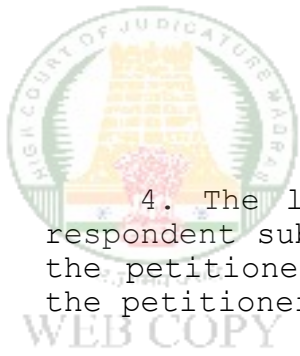
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioners who were arrested on 14.09.2021 and remanded to judicial custody for the offences under Sections 364A & 427 of IPC, in Crime No.540 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners have asked the defacto complainant and his friends in a car, and when they arrived, the petitioners have quarrelled with them and damaged the car of the defato complainant, and thereafter abducted one person, and demanded a sum of Rs.2 lakhs. 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 and the petitioners have been in jail from 14.09.2021. The learned counsel, on instructions, would further submit that the petitioners, on their own volition, without prejudice to their rights, are ready to deposit the amount of Rs.10,000/- to the credit of the crime number and also conceded the same may be disbursed to the defacto complainant. Hence, he prays for grant of bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is no previous case pending as against the petitioners. However, he vehemently opposed for grant of bail to the petitioners.

5. Considering the period of incarceration suffered by the petitioners and there is no previous case pending against the petitioners and further the petitioner on their own volition and ready to deposit a sum of Rs.10,000/- to the crime number, this Court is inclined to grant bail to the petitioners with certain conditions:

6. Accordingly, the petitioners 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 No.II, Poonamallee, and on further condition that:

(a) the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Cr.No.540 of 2021 before the learned Judicial Magistrate, No.II, Poonamallee, within a period of two weeks from the date of receipt of a copy of this order and on such deposit the said amount may be disbursed to the defacto complainant within a period of two weeks thereafter;

(b) 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;

(c) the petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;



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

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-sd/-
08/10/2021

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 NO.II,
POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
VELLAVEDU POLICE STATION,
VELLAVEDU,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, POONAMALLEE.

+1 CC to M/S.M.JAYASREE Advocate on payment of necessary charges
SR.NO.11238

CRL OP.18212/2021

Date :08/10/2021

INBA-08/10/2021