



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.19417 of 2021

1. Arun
2. Vijay

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Keelapalur Police Station
Ariyalur District
(Crime No.475 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail pending investigation in Crime No.475 of 2021 on the file of the Respondent police.

For Petitioners : Mr.P.Muthamizh Selvakumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

(This case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 01.07.2021 for the offences under Sections 392, 397, 506(ii) I.P.C., in Crime No.475 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 01.07.2021, when the defacto complainant went to purchase goat at Keezhapalur village, the petitioners said to have stopped his vehicle and demanded money, which was refused by him, as a result of which, the 1st petitioner said to have took knife from his hip and attacked him on his neck and also snatched a sum of Rs.5000/-, and escaped from the place of occurrence. Due to which, the petitioners caused injury to the defacto complainant. Hence, the complaint.



3. The learned counsel for the petitioners submitted that the petitioners are brothers and on the date of occurrence, they were stayed in the home and they never involved in the offence as alleged by the prosecution. He would also submit that the petitioners are in jail from 01.07.2021 for more than 120 days. Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate (CrI.Side) would submit that the investigation has been completed and the case in P.R.C.No.18 of 2021 is pending before the learned Chief Judicial Magistrate, Ariyalur. He would also submit that there are other previous case pending against the petitioners.

5. Considering his submissions and also considering period of incarceration suffered by the petitioners for more than 120 days , 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, one surety shall be a blood surety, each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Ariyalur and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial Magistrate-II, Ariyalur may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the petitioners shall co-operate with the pending court proceedings, since the investigation has been completed and they shall also co-operate with all the pending cases before the trial court. If the jumped bail already granted, they shall report only before the concerned court on hearing dates on the first working day of every month and subsequently for all the hearings and the learned trial judge can modify the dates and relax the conditions according to the hearing case of the petitioner;

(c) the petitioners shall not influence, threaten or coerce the 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/-

12/10/2021

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- II,
ARIYALUR DISTRICT.

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

3 THE INSPECTOR OF POLICE,
KEELAPALUR POLICE STATION,
ARIYALUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

CC to M/S. P.MUTHAMIZH SELVAKUMAR Advocate on payment of necessary charges

CRL OP.19417/2021

Date :12/10/2021

INBA-13/10/2021