



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19421 of 2021

1. Sivakumar
2. Saravanan
3. Sivasankar

... Petitioners

Vs.

The State Rep.by its
Sub Inspector of Police,
Kalasapakkam Police Station,
Thiruvannamalai District.
(Crime No.701 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.701 of 2021 pending investigation on the file of the respondent.

For Petitioners: Mr.Sathiyaraj.E

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

ORDER

The petitioners who were arrested on 24.09.2021 and remanded to judicial custody for the offences under Section 399 of IPC in Crime No.701 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent police conducted usual raid, the petitioners and others have confessed that they have planned to commit robbery from the public by refraining their vehicles passing in the road by using deadly weapons. Hence, the law enforcing agency registered a case against the petitioners.

3. The learned counsel for the petitioners submits that the petitioners are an innocent persons and they have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the petitioners have been in jail from 24.09.2021. Hence he prays for grant of bail to the petitioners.



4. The learned Government Advocate (Crl.Side) submits that the lethal weapons were recovered from the petitioners. He further submits that the first petitioner is having one previous case and with regard to second and third petitioners, no previous cases were registered against them. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel and also considering the period of incarceration suffered by the petitioners, the first petitioner is having one previous case, this Court is not inclined to grant bail to the first petitioner and with regard to the second and third petitioners, as there were no previous cases registered against the petitioners, this Court is inclined to grant bail to the second and third petitioners with certain conditions.

6. Accordingly, the 2nd and 3rd petitioners are ordered to be released on bail on their executing separate bonds 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 District Munsif-Cum-Judicial Magistrate, Kalasapakkam, Thiruvannamalai 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 2nd and 3rd petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(d) the 2nd and 3rd 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 petitioner in accordance with law as if the conditions have been imposed and the 2nd and 3rd 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.



7. With the above directions, this Criminal Original Petition in respect of the first petitioner stands dismissed. The Criminal Original Petition in respect of the the 2nd and 3rd petitioners stands ordered.

-sd/-

20/10/2021

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 DISTRICT MUNSIF-CUM
JUDICIAL MAGISTRATE, KALASAPAKKAM,
THIRUVANNAMALAI DISTRICT.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE,
KALASAPAKKAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S. SATHIYARAJ E. Advocate on payment of necessary charges SR.NO.11494

CRL OP.19421/2021

Date :20/10/2021

RW 21/10/2021