

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.01.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20739 of 2020

1.Athimoolam @ Athi
2.Marimuthu

... Petitioners

Vs.

The State Rep by
The Inspector of Police,
Thalaivasal Police Station,
Salem District.
(Crime No.714 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.714 of 2020 pending on the file of the Respondent.

For Petitioners : Mr.K.B.Vivekanandhan

For Respondent : Mrs.M.Prabhavathi,
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 24.11.2020 for the alleged offence under Sections 457, 392 and 397 of IPC in Crime No.714 of 2020, seek bail.

2. The case of the prosecution as per the de facto complainant is that on 23.11.2020 at about 1.30.a.m, the petitioners are alleged to have broke open the TASMAL shop and stolen 4 Carton Box of liquor Bottles worth about Rs.26,880/-. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would submit that the petitioners have no bad antecedent and hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioners have stolen four Carton Box of liquor Bottles worth about Rs.26,880/- and the same has also been recovered. She would submit that the investigation has been completed.

5. Taking into consideration the facts and circumstances of the case and the fact that the petitioners have no bad antecedent against them and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute 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, Attur and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners, on their release from prison, shall report before the respondent police every day at 10.30.a.m until further orders;

(d) the petitioners shall not commit any offences of similar nature;

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

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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

18/01/2021

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, ATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POICE,
THALAIVASAL POLICE STATION,
SALEM.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to M/S T.GANESAN Advocate on payment of necessary charges

CRL OP.20739/2020

Date :18/01/2021

RVR 20/01/2021



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