

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20754 of 2020

1.Suriya
2.Tamil @ Tamilan .. Petitioners
Vs.

The State rep. by
The Inspector of Police
Kandhikuppam Police Station
Krishnagiri District
Crime No.545 of 2020 .. Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioners on bail in Crime No.545 of 2020 pending investigation on the file of the respondent.

For Petitioners : Mr.M.Jayachandran

For Respondent : Mr.M.Prabavathy
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners/A5 & A6, who were arrested and remanded to judicial custody on 02.11.2020, for the alleged offences under Sections 341 and 392 of IPC @ 341, 397 of IPC, in Crime No.545 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 05.10.2020, while the de-facto complainant was transporting iron ore in a lorry from Bangalore to Chennai, all the accused persons waylaid the lorry and assaulted the driver and taken away the lorry along with the goods worth about Rs.3.25 lakhs. Hence the complaint came to be registered.

3. The learned counsel for the petitioners would submit that the petitioners are the students and studying polytechnic. Petitioners are friends of the main accused/A1, hence, they have been falsely implicated in this case. He would further submit that the main accused in this case, namely, A1 was already released on bail by this Court in CrI.O.P.No.18616 of 2020 dated 30.11.2020. He would further submit that the petitioners are in custody from 02.11.2020 and hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor Advocate (CrI. Side) appearing for the respondent would submit that the petitioners are habitual offenders and they have involved in 3 previous cases similar in nature and hence, he vehemently opposed to grant bail to the petitioners.

5. I have considered the rival submissions.

6. Considering the fact that the petitioners are implicated based on the confession of A1, who is the main accused and he has been released on bail, also considering the period of incarceration undergone 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 their executing a 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 Judicial Magistrate No.I, Krishnagiri, and on further condition that:

[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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
04/01/2021

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.I,
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB-JAIL, DHARMAPURI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
KANDHIKUPPAM POLICE STATION,
KRISHNAGIRI DISTRICT.

CC to M.JAYACHANDRAN Advocate on payment of necessary charges

CRL OP.20754/2020

Date :04/01/2021

MK:05/01/2021