



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.20232 of 2021

1. Saravanan
2. Mohan

... Petitioners

Vs.

State Rep by
The Inspector of Police,
Periyapalayam Police Station,
Chennai,
(Crime No.492 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.492 of 2021 on the file of the respondent police.

For Petitioners : Mr.P.Baskar

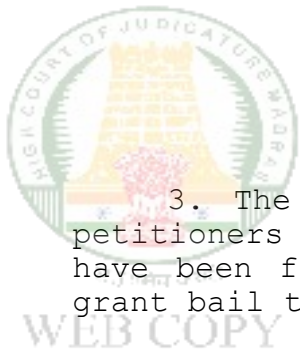
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)
(IN CRL.OP.NO.20232/2021)

: M/S.S.BALAJI
Government Advocate (Crl.Side)
(IN CRL.MP.NO.11541/2021)

ORDER

The petitioners, who were arrested on 01.10.2021 and remanded to judicial custody for the offences under Sections 394, 307 and (*) 506(2) of IPC in Crime No.492 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners had waylaid the defacto complainant and his relatives and robbed a sum of Rs.1000/- from them and attacked them with knife and caused injuries. 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. Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the stolen amount has been recovered. He further submitted that there are 8 previous cases pending against the first petitioner, there is no previous case pending against the second petitioner. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Considering facts and circumstances of the case and also the fact that there are 8 previous cases pending against the first peittioner. Therefore, this Court is not inclined to grant bail to the first petitioner. Hence, this Criminal Original Petition is dismissed as against the first petitioner and there is no previous case pending as against the second petitioner and also considering the period of incarceration suffered by the second petitioner, this Court is inclined to grant bail to the second petitioner with certain conditions:

6. Accordingly, the second petitioner is ordered to be released on bail on his 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 learned Judicial Magistrate, Uthukottai. 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 second petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders.

(c) the second petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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.

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-sd/-

28/10/2021

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.

[*]Amended and CORRECTED COPY TO BE SUBSTITUTED FOR THE ORDER ALREADY DESPATCHED ON 01/11/2021, as per order of this court dated 15/11/2021 made in Cr1.MP.NO.11541/2021 in Cr1.O.P.No. 20232/2021

TO

1 THE JUDICIAL MAGISTRATE,
UTHUKOTTAI.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI II, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PERIYAPALAYAM POLICE STATION,
CHENNAI.

+1 CC to M/S.P.BASKAR Advocate on payment of necessary charges
SR.NO.12812

CRL OP.20232/2021

Date :28/10/2021

RW 28/10/2021

RW 17/11/2021