



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.20266 of 2021

1. Krishnan
2. Dhanajayan

... Petitioners

Vs.

State Rep by
The Inspector of Police,
Gummidipoondi Police Station,
Thiruvallur District.
(Crime No.356 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.356 of 2021 on the file of the respondent police.

For Petitioners : Mr.S.Mohanraj

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

ORDER

The petitioners, who were arrested on 18.09.2021 and remanded to judicial custody for the offences under Sections 379, 420, 149 IPC in Crime No.356 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 15.09.2021, the the car bearing Registration No.TN10AW8977 which was originally seized by the respondent police concerned with Crime No.354 of 2021 under Section 279, 337 IPC was kept in the police custody outside of the police station, the petitioners along with other accused persons had committed theft of the said car by using duplicate key and drove out of the police station. 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 car has been recovered. He further submitted that there is no previous case pending against the petitioners. However, he vehemently opposed for grant of bail to the petitioners.

5. Considering facts and circumstances of the case and also the fact that the stolen car has been recovered and there is no previous case pending against the petitioners and also considering the period of incarceration suffered by the petitioners, 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, each for a like sum to the satisfaction of the District Munsif cum Judicial Magistrate, Gummidipoondi. 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 petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders.

(c)the petitioners shall not tamper with evidence or 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/-

01/11/2021

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.



1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, GUMMIDIPOONDI.

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

3 THE OFFICER INCHARGE,
SUB JAIL, PONNERI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
GUMMIDIPOONDI POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S S.MOHAN RAJ Advocate on payment of necessary charges

CRL OP.20266/2021

Date :01/11/2021

RW 02/11/2021