



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.21661 of 2021

1. Sugan @ Suganraj ... Petitioners
2. Venkatesan

Vs.

The State Represented by :- ... Respondent
The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai District.
(Crime No.1139 of 2021)

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C., praying to enlarge the petitioners on bail pending investigation in Crime No.1139 of 2021 on the file of the Inspector of Police, Tiruvannamalai Town Police Station, Tiruvannmalai.

For Petitioners : Mr.M.K.Gauthaman
For Respondent : Mr.S.Sugendran
Government Advocate (Crl side)

ORDER

The petitioner, who was arrested on 24.09.2021 and remanded to judicial custody for the offences under Section 399 of IPC in Cr.No.1139 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 24.09.2021 at about 11.00 AM while the respondent police, while conducting routine check, the petitioners along with some other persons were standing together with iron rods and they have planned to commit dacoity.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and due to statistical purpose, the respondent police registered a false case against the petitioners and they have not committed any offence as alleged by the prosecution. The co-accused has been arrested and released on bail in the very same office. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that there are two previous cases pending against the petitioners and A.3 in this case, has already released on bail. However, he vehemently



5. Considering the facts and circumstances of the case and the co-accused has enlarged on bail, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Tiruvannamalai 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 are directed to appear before the respondent police daily morning at 10.30 am 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/-
17/11/2021

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.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TOWN POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S.M.K.GAUTHAMAN Advocate on payment of necessary
charges SR.NO.12493

CRL OP.21661/2021

Date :17/11/2021

TA-18/11/2021