



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21328 of 2021

1. Prakash
2. Meena
3. Anandh
4. Gowtham

.. Petitioners

Vs.

State rep. By
The Inspector of Police
Pallipalayam Police Station
Namakkal District
(Crime No.622 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail, pending investigation of the case in Crime No.622 of 2021 on the file of the respondent.

For Petitioners : Mr.M.Vijaya Ragavan

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 24.10.2021 for the offences under Sections 395 and 397 of IPC, in Crime No.622 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 03.10.2021 at about 8.30 p.m., when the defacto complainant was proceeding in his unregistered TVS XL 100 two wheeler near Therakupalayam Vaaikal Road, Vannar Colony, the 2nd petitioner asked for lift and hence, the defacto complainant stopped his vehicle. At that time, all of a sudden, four persons came there and at knife point, snatched cash of



Rs.500/-, a cell phone and the two wheeler from the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and a false case has been foisted against them. He would further submit that the petitioners have been suffering incarceration from 24.10.2021. Hence he prays for grant of bail to the petitioners.

4. The learned Government Advocate would submit that the stolen properties have been recovered and the investigation is almost completed and that there is no previous case against the petitioners. However, the would object for grant of bail to the petitioners.

5. Considering the facts that the stolen properties have been recovered and there is no previous case against the petitioners and also considering the period of incarceration undergone 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 learned Judicial Magistrate, Komarapalayam, Namakkal District, and on further conditions 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.

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-sd/-

12/11/2021

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,
KOMARAPALAYAM,
NAMAKKAL DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON WOMEN, SALEM

CC to M/S. M.VIJAYA RAGAVAN Advocate on payment of necessary charges

CRL OP.21328/2021

Date :12/11/2021

APN 15/11/2021