



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM:

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

Cr1.O.P.No.21786 of 2021

1.K.Sivasuriya @ Sivasuriyan
2.K.Harishkumar

... petitioners

Vs.

The State rep by
The Inspector of Police,
Santhavasal Police Station,
Thiruvannamalai District.
Crime No.880 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.880 of 2021 on the file of the Inspector of Police, Santhavasal Police Station, Thiruvannamalai District.

For petitioners : Mr.S.B.Viswanathan

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

ORDER

(The case has been heard through video conference)

The petitioners who was arrested and remanded to judicial custody on 05.11.2021 for the offences under Section 399 of IPC, in Crime No.880 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that on the date of occurrence, when the respondent police were on regular patrol duty, the petitioners along with other accused were preparing to commit dacoity. Hence the complaint.



3. The learned Counsel for the petitioners submitted that the petitioners have been falsely implicated in this case and they are no way connected with the alleged offence and that the petitioners has been suffering incarceration for more than 10 days from 05.11.2021. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate raised objection stating that all the 5 accused have been arrested and the petitioners are arrayed as A4 and A5 and there is no previous case against the petitioners. He would further submit that the investigation is almost completed.

5. Considering the nature of the allegation and the fact that the investigation is almost completed and there is no previous case against 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 separate bonds 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, Polur, Thiruvannamalai 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 during trial;

(d) the petitioners shall not abscond during 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.

WEB COPY

-sd/-
19/11/2021

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,
POLUR, THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
SANTHAVASAL POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. S.B.VISWANATHAN Advocate on payment of necessary charges SR.NO.13062

CRL OP.21786/2021

Date :19/11/2021

JPA 22/11/2021