



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.NO.22411 of 2021

S.Premkumar @ Bullet

.....Petitioner/Accused-5

Vs

State rep by
The Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.
Crime No.138 of 2021.

....Respondent/Complainant

PRAYER: Petition filed under Section 439 of Cr.P.C to enlarge on bail in Crime No.138 of 2021 on the file of the Inspector of Police, Kelamangalam Police Station, Krishnagiri District.

For petitioner : Mr.V.R. Annagandhi

For Respondent : Mr.S. Balaji
Government Advocate (Cr1.Side)

ORDER

The petitioner, who was arrested and remanded by the respondent police for the alleged offence under Sections 399 of I.P.C in Cr.No.138 of 2021, seeks bail and this is the second bail application filed by the petitioner.

2.The case of the prosecution is that the petitioner is alleged to have been preparing to commit dacoity.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Further on earlier occasion, the petitioner's bail application was dismissed by this Court in Cr1.O.P.No.20625 of 2021 on the ground that the petitioner was alleged to have been preparing to commit dacoity, which prompted this Court to dismiss the earlier petition, however, the petitioner had not committed any dacoity. Hence he prays for grant of bail.



4.The learned Government Advocate fairly conceded the submission made by the learned counsel for the petitioner.

5. Considering the facts and circumstances of the case and the submission made by the Government Advocate (Crl.Side) that the petitioner was only attempting to commit the dacoity but he had not committed any dacoity, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute 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, Denkanikottai and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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

-sd/-
29/11/2021

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 JUDICIAL MAGISTRATE,
DENKANIKOTTAI, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KELAMANGALAM POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, HOSUR

CC to M/S. V.R.ANNAGANDHI Advocate on payment of necessary
charges

CRL OP.22411/2021

Date :29/11/2021

TA-02/12/2021