



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM:

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

CrI.O.P.No.21883 of 2021

1.Viveknathan @ Vivek ... petitioners
2.Karthik

Vs.

The State rep by its ...Respondent
Sub-Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai District.
(Crime No.707 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.707 of 2021 pending investigation on the file of the Respondent Police.

For petitioners : Mr.Om Sairam

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

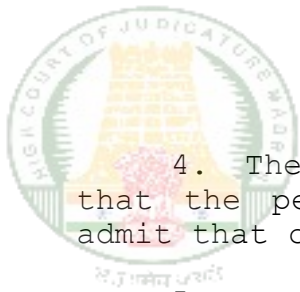
ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 24.09.2021 for the offences under **Section 399 of IPC**, in Crime No.707 of 2021, on the file of the respondent police seek bail.

2. The case of the prosecution is that on 24.09.2021 while the respondent police were on regular patrol duty, the petitioners along with other accused were found preparing to commit dacoity with iron rods. Hence the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners have been falsely implicated in this and they are no way connected with the alleged offence. He would further submit that co-accused have been granted bail by this Court in CrI.O.P.No.20808 of 2021 dated 02.11.2021 and the petitioners have been suffering incarceration for more than 55 days from 24.09.2021. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate raised objection stating that the petitioners attempted to rob the passersby and he would admit that co-accused have been released on bail.

5. Considering the fact that the co-accused have been released on bail 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 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-II, Tiruvannamalai**, 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.

-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.



1 THE JUDICIAL MAGISTRATE
NO.II, TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
TIRUVANNAMALAI EAST POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S.OM SAIRAM Advocate on payment of necessary charges
SR.NO.13019

CRL OP.21883/2021

Date :19/11/2021

TA-19/11/2021