



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.22455 of 2021

1. Kannan
2. Mani @ Bottle Mani

.. Petitioners

Vs.

State by;
The Inspector of Police
Oragadam Police Station,
Kanchipuram District
Crime No.572 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 in Crime No.572 of 2021 on the file of the respondent.

For Petitioners : Mr.R.Sasikumar

For Respondent : Mr.S.Baskar
Government Advocate (Crl.Side)

ORDER

The petitioners who were arrested and remanded to judicial custody on 13.09.2021 for the offences under **Section 394 IPC altered into Sections 341, 294(b), 307, 397 and 506(ii) of IPC**, in Crime No.572 of 2021, on the file of the respondent police, seeks bail.

2. This is the second bail petition filed by the petitioners. The case of the prosecution is that on the date of occurrence, the petitioners waylaid the defacto complainant and his friends. It is alleged that the petitioners abused the defacto complainants in filthy language and attacked them further robbed a sum of Rs.14,600/- and one cell phone at a knife point. Hence, the complaint.

3. The learned counsel for the petitioners submits 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 petitioner have been suffering incarceration for about 74 days. The learned counsel, on instructions, would



further submit that the petitioners, without prejudice to their rights, are ready to deposit the amount of Rs.20,000/- to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant. Hence he prays for grant of bail to the petitioners.

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4. The learned Government Advocate submits that a sum of Rs.6,500/- has been recovered from the accused persons. He further submits that there is one previous case pending against the petitioners under section 307 IPC, in which the injured person discharged from the hospital. However, he opposed for grant of bail to the petitioners.

5. Considering the the investigation is almost completed 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 his executing 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 **Judicial Magistrate Sriperumandur**, and on further conditions that:

(a) the petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) to the credit of Crime No.572 of 2021 before **Judicial Magistrate Sriperumandur**, within a period of two weeks from the date of receipt of a copy of this order and the said amount may be disbursed to the defacto complainant within a period of two weeks thereafter:

(b) the petitioners and 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;

(c) the petitioners shall report before the respondent police on daily at 10.30 a.m. until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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 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;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
26/11/2021

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,
SRIPERUMANDUR, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ORAGADAM POLICE STATION,
KANCHIPURAM DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, KANCHIPURAM

+1 CC to M/S R.SASIKUMAR Advocate on payment of necessary charges SR.NO.13556

CRL OP.22455/2021

Date :26/11/2021

TA-29/11/2021