



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2021

WEB COPY

CORAM:

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

Crl.O.P.No.22807 of 2021

1. Jalam Singh Rathore ...Petitioners
2. Nagal Singh
3. Vikram Singh Raj Brohit

Vs.

The State Rep. By ...Respondent
The Inspector of Police
Arani Town Police Station
Arani
Tiruvannamalai District.
Crime No.1040 of 2021.

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.1040 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.B.Jawahar

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

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody for the offences under **Sections 457 and 380 of IPC**, in Crime No.1040 of 2021, on the file of the respondent police seek bail.

2. The case of the prosecution is that the defacto complainant is running a cell phone spare parts shop. On 09.10.2021 at about 8.30 a.m., when he tried to open the shop, the locks were found broke open and the goods worth Rs.1,30,000/- were stolen. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case and that they are no way connected with the alleged offence. Hence, he seeks for grant of bail to the petitioners.



4. The learned Government Advocate (Crl. Side) raised objection but admits that the stolen properties have been recovered and handed over to the defacto complainant. He would further submit that the investigation has been completed and the charge sheet has been filed and the same has been taken on file and that there is no previous case against the petitioners.

5. It is seen that the stolen properties have been recovered and handed over to the defacto complainant. Further, the investigation has been completed and charge sheet has been filed and the same has been taken on file and that there is no previous case against the petitioners. Considering the above facts 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, Arani**, 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 on every Wednesday at 10.30 a.m. until further orders and also appear before the trial Court on all hearings without fail.

(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/-
30/11/2021

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,
ARANI, THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARANI TOWN POLICE STATION,
ARANI,
TIRUVANNAMALAI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S. B.JAWAHAR Advocate on payment of necessary charges

CRL OP.22807/2021

Date :30/11/2021

TA-01/12/2021