



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2021

CORAM:

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

Crl.O.P.No.22997 of 2021

1.Selvakumar
2.Manojkumar
3.Manikandan
4.Panneerselvam

...Petitioners

Vs.

STATE, rep by
The Inspector of Police
Brammadesam Police Station
Villupuram District
(Crime No.328 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.328 of 2021 on the file of the respondent police.

For Petitioners : Mr.K.Raveendran

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 on 15.09.2021 for the offences under Sections 395 and 397 of IPC, in Crime No.328 of 2021, seek bail.

2. The case of the prosecution is that on 15.09.2021 the defacto complainant and his company officials were proceeding in a to Sathamangalam Village in order to see the agriculture land which is cultivated by the owner of the company and when their car was nearing Perumukal bus stand, 6 persons in 3 two wheelers came in a rash manner and stopped the vehicle of the defacto complainant. Thereafter, broke the driver side window glass and by showing knife, snatched a sum of Rs.30 lakhs kept in 3 bags and a cell phone and escaped from the place of occurrence. Hence, the complaint.



3. The learned counsel appearing for the petitioners would submit that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case. He would further submit that co-accused in this case has been granted bail by this Court vide Crl.O.P.No.21022 of 2021 dated 09.11.2021 and the petitioners have been suffering incarceration for more than 75 days from 15.09.2021. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate raised objection stating that there are totally 11 accused in this case and the petitioners are arrayed as A1 to A4. He would further submit that the 1st petitioner who is a suspended police officer has got 5 previous cases against him and there is no previous case against the petitioners 2 to 4 and admits that nearly Rs.20 lakhs has been recovered and the investigation is almost completed.

5. On seeing the antecedents of the 1st petitioner, this Court is not inclined to grant bail to the 1st petitioner. Accordingly, the Criminal Original Petition is dismissed insofar as the 1st petitioner is concerned.

6. Considering the fact that there is no previous case against the petitioners 2 to 4 and the co-accused has been granted bail by this Court and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioners 2 to 4, this Court is inclined to grant bail to the petitioners 2 to 4 with certain conditions.

7. Accordingly, the petitioners 2 to 4 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, Thindivanam, 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 2 to 4 shall report before the respondent police daily at 10.30 a.m. until further orders.

(c) the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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/-

01/12/2021

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,
NO.II, THINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILUPPURAM DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, VILUPPURAM.

4 THE INSPECTOR OF POLICE,
BRAMMADESAM POLICE STATION,
VILLUPURAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. K.RAVEENDRAN Advocate on payment of necessary charges

CRL OP.22997/2021

Date :01/12/2021

RW 02/12/2021