



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM:

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

Crl.O.P.No.24211 of 2021

1. Kirankumar
2. Srimanth,
3. Preveen Kumar

... Petitioners

Vs.

State rep. By
The Inspector of Police,
Berigai Police Station,
Krishnagiri District.
(Crime No.118 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.118 of 2021 on the file of the Inspector of Police, Berigai Police Station, Krishnagiri District.

For Petitioner : Mr.S.Varanesh

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 22.10.2021 for the alleged offences punishable under Section 392 @ 397 of IPC in Crime No.118 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners/accused have robbed a sum of Rs.2,27,270/- from the defacto complainant on knife point and run away from the place of occurrence. Hence, the complaint.



3. The learned Counsel for the petitioner submits that the respondent police registered a case in FIR No.118 of 2021 under Section 392 of IPC dated 19.07.2021 and as per the FIR, the accused not known to the defacto complainant and subsequently, the FIR has been altered by the respondent police under Section 397 of IPC and thereafter, the petitioners were arrayed as Accused Nos.1 to 3. He further submits that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case and the petitioners have been suffering incarceration for more than 52 days from 22.10.2021. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) submits that the petitioners/accused have robbed a sum of Rs.2,27,270/-, but, the respondent police has recovered Rs.45,000/- only. He further submits that this Court dismissed the petitioners earlier bail petition in Crl.OP.No.21105 of 2021 dated 10.11.2021. He further submits that there is no previous cases as against the petitioners. However, he vehemently opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioners and also the fact that there is no previous cases as against 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) each with two sureties, each for a like sum to the satisfaction of learned District Munsif-Cum-Judicial Magistrate No.1, Hosur 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 stay at Krishnagiri and report before the respondent police station on every Tuesday and Sunday at 10.30 a.m for a period of eight weeks;

(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 has 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/-
13/12/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NO.I, HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
BERIGAI POLICE STATION,
KRISHNAGIRI DISTRICT

4 THE OFFICER INCHARGE,
SUB-JAIL, DHARMAPURI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.VARANESH Advocate on payment of necessary charges
SR.NO.14571

CRL OP.24211/2021

Date :13/12/2021

JPA 14/12/2021