



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.24033 of 2021

Harikaran @ Hariharan

...Petitioner

Vs.

State by
Sub Inspector of Police
Chetpet Police Station
Tiruvannamalai District
Crime No.852 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.852 of 2021 on the file of the respondent Police.

For Petitioner : Mr.S.Ambalvannan

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

ORDER

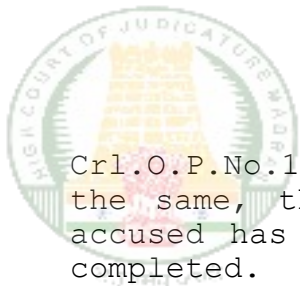
(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 02.10.2021 for the offence under Section 399 of IPC, in Crime No.852 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 02.10.2021 at about 10.30 a.m., when the respondent police officials were on their regular patrol duty, the petitioner along with other accused were preparing to commit dacoity. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. He would submit that the petitioner has been suffering incarceration for about 75 days from 02.10.2021 and hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioner/A1 along with other accused were preparing to commit dacoity and that he has got 2 previous case. He would further submit that this is the second application for bail and the earlier application was dismissed by this Court in



Crl.O.P.No.19523 of 2021 by order dated 21.09.2021 and suppressing the same, the present petition has been filed but admits that co-accused has been released on bail and the investigation is almost completed.

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5. Considering the fact that co-accused has been released on bail and also considering the period of incarceration undergone by the petitioner and that the investigation is almost completed, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is 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 learned Judicial Magistrate, Polur, Tiruvannamalai District, 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 petitioner shall stay at Erode and report before the Town Police Station daily at 10.30 a.m. until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.



1 THE JUDICIAL MAGISTRATE,
POLUR, TIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE SUB INSPECTOR OF POLICE,
CHETPET POLICE STATION,
TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

6 THE INSPECTOR OF POLICE,
TOWN POLICE STATION, ERODE.

CC to M/S.S.AMBALVANNAN
charges SR.14602

Advocate on payment of necessary

CRL OP.24033/2021

Date :13/12/2021

RVR 13/12/2021