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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM:

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

Crl.O.P.No.24776 of 2021

1. VIJAYARAJ ...Petitioners
2. DHARANIVENDHAN

Vs.

State by its ...Respondent
Inspector of Police
Kanchi Taluk Police Station
Kanchipuram
Kanchipuram District
(Crime No.1611 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.1611 of 2021 on the file of the respondent police.

For Petitioners : Mr.K.G.Senthilkumar

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

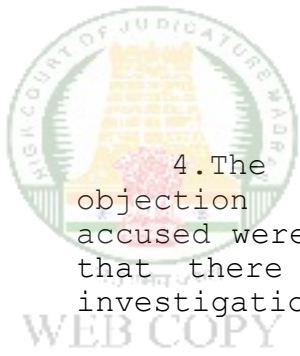
ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 23.11.2021 for the offence under **Section 399 of IPC**, in Crime No.1611 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 23.11.2021 at about 5.45 p.m., the petitioners along with other accused were preparing to commit dacoity with wooden logs. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case and that they have been suffering incarceration for 25 days from 23.11.2021. Hence, he would pray for grant of bail to the petitioners.



4. The learned Government Advocate (Crl. Side) would raise objection stating that the petitioners/A1 and A2 along with other accused were preparing to commit dacoity with wooden logs but admits that there is no previous case against the petitioners and the investigation is almost completed.

5. Considering the fact that there is no previous case against the petitioners and 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 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, Kanchipuram, Kanchipuram 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 petitioners shall report before the respondent police daily at 5 p.m. until further orders.

(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/-
17/12/2021

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-II,
KANCHIPURAM,
KANCHIPURAM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
KANCHI TALUK POLICE STATION
KANCHIPURAM
KANCHIPURAM DISTRICT.

5 THE SUPERINTENDENT
CENTRAL PRISON, PUZHAL, CHENNAI.

+1 CC to M/S K.G.SENTHILKUMAR Advocate on payment of necessary charges SR.NO.15046

CRL OP.24776/2021

Date :17/12/2021

TA-20/12/2021