



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

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CORAM:

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

Cr1.O.P.No.25250 of 2021

1.Sundhar Raj @ Vellakili
2.Velmurugan
3.Tamizhvendan
4.Tamizharasan

.. Petitioners

Vs.

The State represented by
The Inspector of Police
Vadalure Police Station
Cuddalore District.
(Crime No.797 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.797 of 2021 pending investigation on the file of the respondent police.

For Petitioners : M/s.K.Kannan

For Respondent : Mr.N.S.Suganthan
Government Advocate

O R D E R

The petitioners who were arrested and remanded to judicial custody on 13.12.2021 for the offence under Section 399 IPC in Crime No.797 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 13.12.2021, the petitioners were planning to commit robbery. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and that they have been suffering incarceration for 10 days from 13.12.2021. Hence, he would pray for grant of bail to the petitioners.



4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioners were planning to commit robbery and that the 1st petitioner has got one previous case of same nature but admits that the investigation is almost completed and there is no previous case against the other petitioners.

5. In view of the fact that the 1st petitioner has got one previous case of same nature, this Court is not inclined to grant bail to the 1st petitioner. Accordingly, the petition is dismissed insofar as the 1st petitioner is concerned.

6. Insofar as the petitioners 2 to 4 are concerned, there is no previous case against them 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 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, Kurinjipadi 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. for a period of two months and thereafter, as and when required for interrogation.

(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.

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-sd/-
22/12/2021

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,
KURINJIPADI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE OFFICER INCHARGE,
DISTRICT PRISON, VILLUPURAM.

4 THE INSPECTOR OF POLICE,
VADALUR POLICE STATION,
CUDDALORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. K.KANNAN Advocate on payment of necessary
charges SR.NO.15323

CRL OP.25250/2021

Date :22/12/2021

MK:22/12/2021