



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

CORAM:

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

Crl.O.P.No.240 of 2022

1. Anandhan

2. Raja @ Thiyagarajan

...Petitioners

Vs.

The State Represented by
Inspector of Police,
Vellore North Crime Police Station,
Vellore District,
(Crime No. 329 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail pending investigation in Crime No.329 of 2021, on the file of the respondent police.

For Petitioners: Mr.C.Anbu

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

O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 08.12.2021 for the offences under Sections 341, 147, 148, 294(b), 392, 397, 506(ii) of IPC, in Crime No.329 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the de facto complaint is an auto driver. On 08.12.2021 at about 04.00 a.m. he was proceeding towards green circle and while nearing GRT Pandiyan Hotel, the petitioners waylaid him and at knife point, robbed a sum of Rs.2,500/- and a MI-cell phone worth about Rs.4,000/- from him. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioners are innocent and they are no way connected with the alleged offence and they have been falsely implicated in this case and He would further submit that the petitioners have been suffering incarceration for about 30 days from 08.12.2021 and hence, he would pray for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would raise objection stating that there are totally 6 accused in this case and the petitioners are arrayed as A4 and A6 and that the Accused/A4 is having one previous case. He would further submit that A2 is absconding and the stolen mobile phone has been recovered and out of the robbed amount of Rs.4,000/-, a sum of Rs.2,000/- has been recovered and the investigation is almost completed.

5. Considering the facts and circumstances of the case and that part of the stolen property has been recovered and 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.

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) to the credit of Crime No.329 of 2021 and on such deposit, the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-IV, Vellore, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;



(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

07/01/2022

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.IV, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VELLORE NORTH CRIME POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, THORAPADI.

+1 CC to M/S.C.ANBU Advocate on payment of necessary charges
SR.NO.335

CRL OP.240/2022

Date :07/01/2022

RW 07/01/2022