



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

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CORAM:

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

Cr1.O.P.No.1064 of 2022

1.M.Vijayakumar  
2.Vadivel

...Petitioners

Vs.

State Rep by  
The Inspector of Police  
Polur Police Station  
Polur Town  
Thiruvannamalai District  
Crime No.1098 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.1098 of 2021 on the file of the respondent police.

For Petitioners : Mr.M.Ramanathan

For Respondent : Mr.A.Gokulakrishnan  
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 30.12.2021 for the offence under Section 399 IPC, in Crime No.1098 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 30.12.2021, the petitioners along with other accused were planning to commit robbery. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been false implicated in this case and that they have been suffering incarceration for more than 20 days from



30.12.2021. Hence, he would pray for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor would raise strong objection stating that the petitioners are arrayed as A1 and A4 and they have got 3 previous cases but admits that all the accused have been secured and the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that all the accused have been secured 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.

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

(b) each of the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Polur, 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;

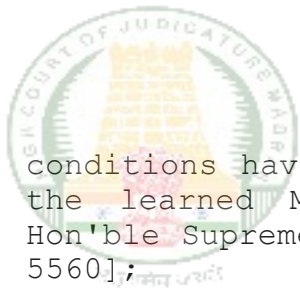
(d) the petitioners shall report before the respondent police on every Monday and Saturday at 10.30 a.m. until further orders.

(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];

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

-sd/-

20/01/2022

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,  
POLUR, THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVANNAMALAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
POLUR POLICE STATION,  
POLUR TOWN, THIRUVANNAMALAI DISTRICT.

4 THE OFFICER INCHARGE,  
SUB JAIL, POLUR.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1CC to M/S.M.RAMANATHAN Advocate on payment of necessary charges SR.No.837

CRL OP.1064/2022

Date :20/01/2022

CSK 21/01/2022