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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM:

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

Crl.O.P.No.1393 of 2022

1. B.Naveen
2. V.Sanjeevi

...Petitioners / A1 & A2

Vs.

The State rep. by Inspector of Police,  
Perumanallur Police Station,  
Tiruppur District.  
(Crime No.931 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.931 of 2021 pending investigation on the file of the Respondent Police.

For Petitioners : Mr.R.Prabakar

For Respondent : Mr.A.Gokulakrishnan  
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 31.12.2021 for the offences under Sections 454, 394, 397 IPC, in Crime No.931 of 2021 , on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 30.12.2021 at about 5.45 hours, when the defacto complainant was at her home, two unknown persons knocked the door and when she opened the door, they entered into the house and at knife point threatened and assaulted the defacto complainant and robbed a sum of Rs.5,500/- from her. 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 falsely implicated in this case and that the petitioners have been suffering incarceration for 25 days from 31.12.2021. Hence, he would pray for grant of bail to the petitioners.



4. The learned Additional Public Prosecutor appearing for the respondent would raise strong objection stating during the incident, the defacto complainant sustained injuries and suffered 5 sutures on her face but admits that the injured has been discharged from the hospital and there is no previous case against the petitioners and that the investigation is almost completed. He would further submit that out of the stolen amount a sum of Rs.1,800/- has been recovered.

5. Considering the facts and circumstances of the case and the fact that the injured has been discharged from the hospital and there is no previous case against the petitioners and that 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) the petitioners shall make non-refundable deposit for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each through demand draft to the credit of Registered Advocates Clerks Association, Chennai, without prejudice to their defence before the trial Court and on such deposit, 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 Court, Avinashi, 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;

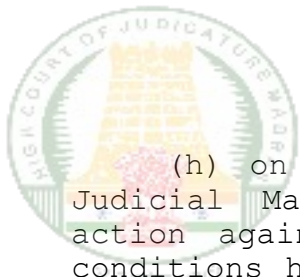
(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

25/01/2022

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, AVINASHI

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUPPUR (FOR INFORMATION)

3 INSPECTOR OF POLICE, PERUMANALLUR POLICE STATION,  
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

5 THE JAILER, DISTRICT JAIL, TIRUPPUR

6 THE REGISTERED ADVOCATE CLERKS  
ASSOCIATION, CHENNAI

CC to M/S R.PRABAKAR Advocate on payment of necessary charges  
SR.NO.1110

CRL OP.1393/2022

Date :25/01/2022

RVR 27/01/2022



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