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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

CORAM:

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

CrI.O.P.No.1912 of 2022

1. M.Madhan
2. Ravichandran

...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 the bail pending investigation in Crime No.1098 of 2021 on the file of the Respondent police.

For Petitioners : Mr.K.Manikandan
for Mr.D.Dhivakaran

For Respondent : Mr.N.S.Suganthan
(Government Advocate CrI. 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 30.12.2021 for the offence under Section 399 of 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 the date of occurrence, the petitioners along with 4 others 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 a false case has been foisted against them and that the petitioners have been suffering incarceration for more than 30 days from 30.12.2021. Hence, he would pray for grant of bail to the petitioners.



4. The learned Government Advocate (Crl. Side) appearing for the respondent would raise objection but admits that there is no previous case against the petitioners and the investigation is almost completed.

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5. Considering the fact above facts and circumstances of the case and 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.

(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), before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) 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 Tuesday and Sunday 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.



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

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-sd/-

01/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
POLUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE OFFICER INCHARGE,
SUB JAIL, POLUR

4 INSPECTOR OF POLICE,
POLUR POLICE STATION, POLUR TOWN,
THIRUVANNAMALALI DISTRICT

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S D.DHIVAKARAN Advocate on payment of necessary charges
Sr.1497

CRL OP.1912/2022

Date :01/02/2022

RVR 02/02/2022