



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

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

Crl.O.P.No.2282 of 2022

1.Vijayakumar
2.Hemanth Kumar
3.Stepan Raj

...Petitioners

Vs.

The Sub Inspector of Police
Paramathi Police Station
Namakkal District
Crime No.484 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.484 of 2021 on the file of the Respondent police.

For Petitioners : Mr.Jegan

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

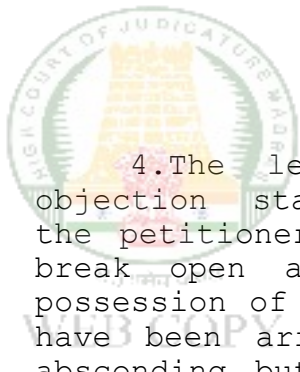
ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 14.12.2021 for the offence under Section 399 of IPC, in Crime No.484 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 14.12.2021, the petitioners along with two others assembled with Aruval, Axe and knife and were planning to commit dacoity in a Godown. Hence, the case.

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 they have been suffering incarceration for more than 30 days from 14.12.2021. 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 7 accused in this case and the petitioners are arrayed as A3 to A5 and they were planning to break open a Godown and steal things and they were found in possession of deadly weapons. He would further submit that A1 to A5 have been arrested and two of the accused viz., A6 and A7 are absconding but admits that there is no previous case against the petitioners and the investigation is almost completed.

5. Considering the 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 his 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, Paramathi, 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;

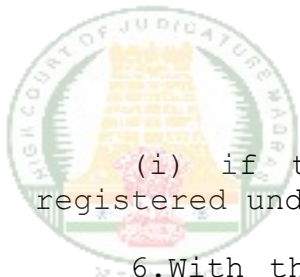
(d) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

(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.

WEB COPY

-sd/-

02/02/2022

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,
PARAMATHI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL DISTRICT [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE
PARAMATHI POLICE STATION
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

CC to M/S. JEGAN Advocate on payment of necessary charges

CRL OP.2282/2022

Date :02/02/2022

CSK 03/02/2022