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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CrI.O.P. No.3146 of 2022

1.Abresh

2.Kamesh

... Petitioners/A-3 & A-4

versus

State rep. by

The Inspector of Police

Natrampalli Police Station,

Thiruppathur District.

(Crime No.11 of 2022)

... Respondent/Complainant

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.11 of 2022 on the file of the respondent police.

For petitioners

: Mr.E.Kannadasan

For Respondent

: Mrs.G.V.Kasthuri

Additional Public Prosecutor

O R D E R

The petitioners, who were arrested and remanded to judicial custody on 10.01.2022 for an offence punishable under Section 399 of IPC in Crime No.11 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that when the respondent police were in routine patrol duty at Sanjeevanur Village, the petitioners herein and two others were jointly preparing to commit dacoity and a small knife and chilly powder were recovered from them. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and he has been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 10.01.2022 onwards. Hence, he prays for bail.



4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she admits that a portion of the investigation has been completed.

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5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case against the petitioners for the offence punishable under Section 399 of IPC. The averments found in the FIR would reveal the fact that during the time of occurrence, all the petitioners are prepared to commit the offence. In other words, the property possessed at the time of securing the accused are all recovered. Though the petitioners are having three previous cases, considering the nature of the offence committed by the petitioners and also the fact that a portion of the investigation is completed, further custodial interrogation may not be necessary.

6. Therefore, taking note of all the above said aspects into consideration and also for the reason that the petitioners are in incarceration from 10.01.2022 onwards, this Court is inclined to grant bail to the petitioners subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions;

(a) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, No.III, Thiruppathur;

(b) 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;

(c) the petitioners are directed to appear before the respondent police daily at 10.00 a.m. until further orders;

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

(e) 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];



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

-sd/-

24/02/2022

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,
NO.III, THIRUPPATHUR

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
NATRAMPALLI POLICE STATION,
THIRUPPATHUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges
SR.NO.2890

CRL OP.3146/2022

Date :24/02/2022

RVR 25/02/2022