



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Third day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.12275 of 2022

1 SUDHAKAR
2 SIVAKUMAR @ APPU

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
MANDHARAKUPPAM POLICE STATION,
CUDDALORE DISTRICT.
(CRIME NO.233 OF 2022)

[RESPONDENT]

For Petitioner : M/S.K.KARUPPAIYA MOOPPANAR Advocate

For Respondent : M/S.E.RAJ THILAK, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners in this case, who were arrested and remanded to judicial custody on 01.4.2022 for alleged offences under Sections 294 (b), 341 and 397 of the Indian Penal Code, seek bail.

2. I have heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

3. The case of the prosecution is that the petitioners robbed a sum of Rs.900/- from the defacto complainant.

4. The learned Additional Public Prosecutor vehemently opposes the grant of bail to the petitioners since they have six previous cases and are habitual offenders.



5. Per contra, the learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case and they have nothing to do with the offence.

6. Taking into consideration the facts and circumstances of the case and also the fact that the petitioners suffered incarceration for 52 days and on going by the nature of allegations made in the complaint, this Court is inclined to enlarge the petitioners on bail, however, subject to conditions.

7. Accordingly, the petitioners are ordered to be released on bail on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Neyveli, Cuddalore District and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the learned Judicial Magistrate, Neyveli at 10.30 a.m and before the respondent Police at 06.30 p.m, daily until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

23/05/2022

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,
NEYVELI, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE INSPECTOR OF POLICE,
MANDHARAKUPPAM POLICE STATION,
CUDDALORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.KARUPPAIYA MOOPPANAR Advocate on payment of
necessary charges

CRL OP.12275/2022

Date :23/05/2022

RW-24/05/2022