



Crl.OP.No.22084 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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1.Velmurugan,

2.Mugesh

..Petitioners

Vs.

State rep by
The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District
(Crime No. 236 of 2022)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.236 of 2022 as under Sections 147, 148, 294 (b), 323, 324, 332, 336, 353, 435, 436, 379, 506 (ii) of IPC r/w 3, 4, 5 of T.N.P.P.D.L Act, on the file of the respondent Police.

For Petitioners	: Mr.V.Gunasekar
For Respondent	: Mr.S.Santhosh
	Government Advocate (Crl.Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 18.07.2022 for the alleged offence punishable under **Sections**



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147, 148, 294 (b) 323, 324, 332, 336, 353, 435, 436, 379, 506 (ii) of IPC r/w 3,4,5, of T.N.P.P.D.L Act in Crime No. 236 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on the 17.07.2022, the Petitioners along with other accused persons jointly held protest as against the respondent police. At that time, they had stolen jewels and cash. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. On instructions, he would further submit that the petitioners are ready to jointly deposit an amount of Rs.50,000/- (Rupees Fifty thousand only) to the credit of Crime No.236 of 2022. Therefore, he prayed for grant of bail to the petitioners.

4. The learned Government Advocate (Criminal Side) submitted that there are 26 known accused persons and 424 unknown accused persons. The Petitioners herein are arrayed as A4 and A88. So



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far 156 accused persons were arrested and 95 accused persons were released on bail. However, he vehemently opposed to grant bail to the Petitioners.

5. Considering the above facts and circumstances of the case, and also taking note of the fact that the petitioners are in judicial custody, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are directed to jointly deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.236 of 2022, and on such deposit the petitioners are ordered to be released on bail, before the learned Judicial Magistrate-2 Kallakurichi on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two blood related sureties each for a like sum to the satisfaction of the respondent police failing which, the petition for bail shall stand dismissed and on further condition 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.



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[b] the petitioners shall report before the respondent Police daily Morning at 10.30 a.m and Evening at 5.30 p.m for a period of six weeks and thereafter as and when required for interrogation.

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

[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 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.

14.09.2022

dk/kv

To

- 1.The Judicial Magistrate - 2
Kallakurichi
- 2.The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District
- 3.The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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