



Crl.OP.Nos.24526, 24527 & 24529 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2022

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.Nos.24526, 24527 & 24529 of 2022

Barini @ R.Bharanidharan
S/o. Ravichandran

... Petitioner in
Crl.O.P.No.24526/2022

1. Sathish,
S/o. Murugan

2. Subash,
S/o. Damodaran

... Petitioners in
Crl.O.P.No.24527/2022

1. Zahir,
S/o. Akbar

2. Saravanan,
S/o. Kuppusamy

... Petitioners in
Crl.O.P.No.24529/2022

Vs.

State rep. By,
The Inspector of Police,
Grand Bazaar Police Station,
Puducherry.
(Crime No.179 of 2022)

... Respondent in
all Crl.O.P.s



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COMMON PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the Petitioners on bail in Crime No.179 of 2022 pending investigation on the file of the Respondent.

For Petitioners in
all Crl.O.P.s : Mr.R.Senthil

For Respondent in
all Crl.O.P.s : Mr.V.Balamurugane,
Public Prosecutor (Pondy.) I/c.

COMMON ORDER

The Petitioners, who were arrested and remanded to judicial custody on 11.08.2022 for the offences punishable under Sections 147, 452, 427, 506(II) r/w 149 I.P.C. in Crime No.179 of 2022 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 other accused entered into the defacto complainant's jewellery shop and caused damage to the glasses of the shop. Hence, the defacto complainant lodged the present complaint.



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3. The learned Counsel appearing for the Petitioner would submit that the Petitioners are innocent persons and they have been falsely implicated in this case. He would also submit that due to undue influence of the defacto complainant, who is a owner of jewellery shop had lodged the complaint and they were no way connected with the above said offence. He would further submit that there was a money dispute between the defacto complainant and the petitioners and the same was already solved between them by executing a settlement deed for a sum of Rs.54 lakhs in favour of petitioners on 09.03.2022. Even after that, they are demanding more than the amount, due to which, the F.I.R. was registered. He would submit that there is no property damaged as alleged by the defacto complainant and they were in judicial custody for the past 54 days. He would submit that the other co-accused was already granted bail. Therefore, he prays for grant of bail to the Petitioners.

4. The learned Additional Public Prosecutor appearing for the Respondent would submit that totally, there are 10 accused involved in this



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case and the petitioners were arrayed as A1, A4, A5, A6 and A7. He would submit that the investigation is already over and the co-accused was already granted bail. However, he vehemently opposed to grant bail to the Petitioners.

5. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor and perused the materials available on record including the First Information Report.

6. Considering the period of incarceration suffered by the petitioners and there is no previous case pending against the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail on his executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one surety shall be a blood surety, each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Puducherry, and on further condition that:



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(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the petitioners shall co-operate with the pending investigation and report before the Inspector of Police, Grand Bazaar Police Station, daily at 10.00 a.m., until further orders.

(c) the petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.



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(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

06.10.2022

rpp/ssi

To

1. The learned Chief Judicial Magistrate,
Puducherry.
2. The Inspector of Police,
Grand Bazaar Police Station,
Puducherry.
3. The Superintendent,
Central Prison, Puducherry.
4. The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP,J.

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