



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

CORAM:

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

Crl.O.P.No.25790 of 2021

1. Sarathi @ Prakash
2. G.Rajesh @ Adhi

... Petitioner

Vs.

The State rep. by its
The Inspector of Police
Kanchi Taluk Police Station
Kancheepuram District
(Crime No.1611 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No. 1611 of 2021, on the file of the respondent police.

For Petitioners : Mr.G.Punniakoti

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 21.11.2021 for the offence under Section 399 IPC in Crime No.1611 of 2021, 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 were preparing to commit dacoity. Hence, the complaint.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case and the co-accused has been released on bail by this Court and that the petitioners have been suffering incarceration for more than 40 days from 21.11.2021. Hence, he would pray for grant of bail to the petitioners.



4. The learned Government Advocate (Crl. Side) raised objection stating that there are totally 5 accused in this case and the petitioners are arrayed as A3 and A4 and that there are 4 previous cases against the petitioners but admits that the investigation is almost completed and the co-accused has been released on bail by this Court.

5. Considering the facts and circumstances of the case and that the co-accused has been released on bail 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 their own bond 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 petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-II, Kancheepuram, within a period 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 stay at Dindivanam and report before the Town Police Station on every Wednesday and Saturday at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

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



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(g) the petitioner 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 Petitioner in accordance with law as if the conditions have been imposed and the Petitioner 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.

-sd/-
03/01/2022

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.II, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KANCHI TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE OFFICER INCHARGE
DISTRICT PRISON, CHENGALPET.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE,
TOWN POLICE STATION, DINDIVANAM.

+1 CC to M/S.G.PUNNIAKOTI
charges SR.NO.19

Advocate on payment of necessary

CRL OP.25790/2021

Date :03/01/2022

JPA 04/01/2022