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Crl.O.P.No.28527 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.28527 of 2022

1. B.Vishnu

2. Jayamoorthi

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Kanai Police Station.
Villupuram District.

(Crime No.274/2021).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime
No.274 of 2021 pending investigation on the file of the respondent Police.

For Petitioners : Mr.R.Surya Prakash

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 08.09.2022 for the alleged offences under Sections 395, 397 of IPC, in Crime No.274 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant Suresh is that on 19.12.2021, at about 3.30a.m., the accused wearing mask have waylaid the *de-facto* complainant and by threatening him at knife point, robbed a sum of Rs.3,000/- and a mobile phone from him. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners, who are aged about 20 and 21 years respectively, are innocent persons and they have been falsely implicated in this case, since they have got two previous cases. He further submitted that the petitioners are in custody from 08.09.2022, hence he prayed for grant of bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners are habitual offenders against whom, two previous cases of similar nature are pending. He further submitted that as far as this case is concerned, the petitioners along with the other accused by wearing masks have waylaid the de-facto complainant and robbed a sum of Rs.3,000/- and a mobile phone from him at knife point. Hence, he oppose to grant bail to the petitioners.

5. In reply, the learned counsel for the petitioners submitted that the petitioners are ready to abide by any stringent conditions that may be imposed by this Court and also stated that the family members of the petitioners are ready to stand as sureties to them, therefore, he prays to grant bail to the petitioners.

6. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.



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7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and taking note of the period of incarceration undergone by the petitioners and also considering their age, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty thousand only)**each with **two blood related sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Villupuram**, 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 respondent Police, everyday at 10.30 a.m., until further orders;

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



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

28.11.2022

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To

1. The Judicial Magistrate - I,
Villupuram.
2. The Inspector of Police,
Kanai Police Station.
Villupuram District.
3. The Sub Jail,
Villupuram.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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