



Crl.O.P.Nos.28730, 28770 & 28794 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM

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

Crl.O.P.Nos.28730, 28770 & 28794 of 2022

1. Pandidurai
2. Prathap
3. Kannadasan
4. Yogaraj

... Petitioners  
in Crl.O.P.Nos.28730 & 28770/2022

1. Pandidurai @ Pandiyarajan
2. Prathap
3. Kannadasan
4. Yogaraj

... Petitioners in Crl.O.P.No.28794 of 2022

Vs.

The State represented by,  
The Inspector of Police,  
Vikravandi Police Station,  
Vikravandi Post,  
Villupuram District.  
(Crime Nos.486 & 294/2022).

... Respondent  
in Crl.O.P.Nos.28730 & 28770 /2022



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The State represented by,  
The Inspector of Police,  
Villupuram West Police Station,  
Villupuram Post & District.  
(Crime No.89/2022).

... Respondent in Crl.O.P.No.28794 of 2022

**Prayer in Crl.O.P.No.28730 of 2022 :** Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners on bail in connection with the Crime No.486 of 2022, pending investigation on the file of the respondent Police.

**Prayer in Crl.O.P.No.28770 of 2022 :** Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners on bail in connection with the Crime No.294 of 2022, pending investigation on the file of the respondent Police.

**Prayer in Crl.O.P.No.28794 of 2022:** Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners on bail in connection with the Crime No.89 of 2022, pending investigation on the file of the respondent Police.

In all Crl.O.P.Nos.,

For Petitioners : Mr.V.Prabhakaran

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



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### **COMMON ORDER**

The petitioners, who were arrested and remanded to judicial custody on 14.10.2022, in Crime Nos.486, 294 & 89 of 2022 for the offence punishable under Section 379 of IPC, on the file of the respective respondent police, seeks bail.

2.1 The case of the prosecution in Crl.O.P.No.28730 of 2022 as per the de-facto complainant Ayishaa is that while she was traveling in a bus, the accused, by distracting her, had taken away a sum of Rs.5000/-, 2 mobile phones and one power bank from her. Hence the case.

2.2 The case of the prosecution in Crl.O.P.No.28770 of 2022 as per the de-facto complainant Vijayakumar is that on 30.06.2022, while he was traveling in a bus, the accused, by distracting him had taken away a sum of Rs.1,67,500/ from him. Hence the case.

2.3 The case of the prosecution in Crl.O.P.No.28794 of 2022 as per the de-facto complainant Mageshwari is that on 29.04.2022, the accused



had taken away a sum of Rs.1,00,000/ from her. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the first petitioner is the resident of Sivaganga and the petitioners 2 to 4 are the residents of Manaparai. He further submitted that the petitioners are falsely implicated in these cases, since, they have got previous cases and they were arrested by the respondent on 14.10.2022. He also stated that the petitioners are in custody for more than a month and they are ready to abide by any stringent conditions that may be imposed by this Court and they have also prepared to provide necessary sureties. Hence, he prayed to grant bail to the petitioners.

4. The Government Advocate (Crl.Side) appearing for the respondents vehemently opposed to grant bail to the petitioners stating that the petitioners, who are arrayed as A2 to A5, are the habitual offenders involving in the similar kind of offences. He further submitted that in respect of the first and third petitioners, three previous cases are pending and in respect of the second petitioner, one previous case is pending and in respect of fourth petitioner, two previous cases are pending and all the previous cases against these petitioners are similar in nature. He also stated that in respect of



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these cases, all the stolen money and things have been recovered.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and considering the period of incarceration undergone by the petitioners and on perusing the First Information Report, 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 their executing a separate bond in each crime number for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) each** with **two sureties** (out of which one surety should be a blood related surety and should produce document to show his/her means), each for a like sum to the satisfaction of the learned **District Munsif cum Judicial Magistrate, Vikravandi** (Crl.O.P.Nos.28730 & 28770 of 2022) **and Judicial Magistrate No.I, Villupuram** (Crl.O.P.No.28794 of 2022) and on further conditions that:



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[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;

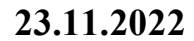
**[b] the petitioners shall report before the Inspector of Police, Villupuram West Police Station, everyday at 10.30 a.m., and report before the Inspector of Police, Vikravandi Police Station, everyday at 06.30p.m., until further orders;**

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



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**A.D.JAGADISH CHANDIRA.,J.**

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**23.11.2022**