



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 03/01/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN
CrI.OP (MD) Nos.20428 to 20430 of 2021

WEB COPY

1.Senthil
2.Sivanantham

: Petitioners/Accused No.2 & 3
in all CrI.OP's

Vs.

State rep. By
The Inspector of Police,
Thanjavur TMCH Police Station,
Thanjavur.
(Crime No.1127,1083,1104 of 2021)

: Respondent/Complainant
in all CrI.OP's

IN ALL CRL.OP'S

For Petitioners : Mr.D.S.Haroon Rasheed, Advocate
For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

PETITIONS FOR BAIL under Sec.439 of Cr.P.C

PRAYER :-

For Bail in Crime Nos.1127, 1083 and 1104 of 2021 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order:-

The petitioners, who are arrayed as A2 and A3 were arrested on 24/11/2021 and remanded to judicial custody for the offences punishable under sections 457 and 380 IPC, in respect of Crime Nos.1127, 1083 and 1104 of 2021 on the file of the respondent police, seek bail.

2.The petitioners in all the cases, are facing the charges for the offences punishable under Sections 457 and 380 of IPC.

3.Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the State.

4.The case of the petitioners is that they were taken from their shop, on 20/11/2021 at about 5.00 pm and the above said incident was recorded in the CCTV footage and the wives of the petitioners filed HCP(MD)Nos.1756 and 1757 of 2021 before this court and during the course of above said hearing, it was submitted that both the petitioners were secured on 23/11/2021 during vehicle check up and they were remanded to custody, on 24/11/2021. To show the same, they have also produced the copy of the orders.



5.The entire CD file has been called for and produced.

6.No doubt, there is some dispute on the date of the arrest of the petitioners. The petitioners moved bail petitions before the Principal District and Sessions Judge, Thanjavur, setting out the very same facts and circumstances. Finding that A1 was not at all arrested and A4 has approached this court for granting anticipatory bail and the stolen jewels have not been recovered and also finding that these petitioners are having two previous cases of similar in nature and since the investigation in the preliminary stage, it came to be dismissed, on 14/12/2021. Except the fact stating that they have been taken from the shop on 20/12/2021, no other valid ground has been made by these petitioners. The stolen jewels have not been recovered so far. Similarly, A4 namely Rajendra Sampatrao Pawar has filed anticipatory bail petitions before this court.

7.As has been mentioned by the learned Principal District and Sessions Judge, Thanjavur, stolen articles have not been recovered so far. Now the stolen articles have been handed over to Rajendra Sampatrao Pawar. Since the stolen articles have not been recovered, the learned Additional Public Prosecutor would submit that the petitioners are habitual offenders. Even as per the prosecution case, the stolen jewels have been handed over to A4/Rajendra Sampatro Pawar and if the petitioners are released on bail, they will commit the offence similar nature of previous cases.

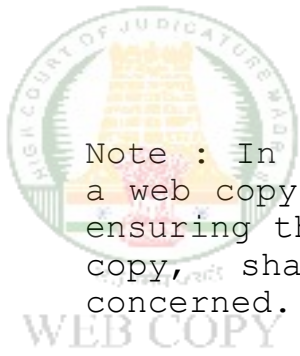
8.Even though, serious allegation has been made against these petitioners, considering the period of custody of these petitioners and by this time, most of the investigation might have been over and the stolen articles have been handed to the co-accused namely A4, the possibility of tampering of witnesses may not be possible. So this court is inclined to enlarge the petitioners on bail with certain conditions.

9.Accordingly, the petitioners are ordered to be released on bail on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur and on further condition that the petitioners shall report before the respondent police daily twice at 10.00 a.m. and 05.00 pm until further orders.

sd/-
03/01/2022

/ TRUE COPY /

04/01/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.
- 2 DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
THANJAVUR TMCH POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, PUDUKKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.20428 to 20430 of 2021
Date :03/01/2022

RS/PN/SAR.3(04.01.2022) 3P-6C