



Crl.O.P.No.707 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2023

CORAM :

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

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1. Murugan
S/o. Sreenivasan
2. Jai @ Jagadeesan,
S/o. Ulaga Raj
3. Sasikumar,
S/o. Kasi Rajan
4. Muniraj,
S/o. Kailappagounder

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
Thachampattu Police Station,
Tiruvannamalai Dt.
(Crime No.210 of 2022)

... Respondent



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PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.210 of 2022 pending on the file of respondent police.

For Petitioners : Mr.S.Paul Gnanamuthu
For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (CrI.Side.)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 09.12.2022 for the alleged offence under Sections 147, 448, 342, 364(A), 395, 506(ii) r/w 149 of I.P.C. in Crime No.210 of 2022 on the file of the respondent police, seek bail.

2. The case of prosecution is that on 08.12.2022 at about 03.00 p.m. some women said to have come to the defacto complainant's house and asked for water, at that time, they sprayed chilli powder on her, thereby snatched a mangal sutra chain from her and thereafter, the petitioners entered into her house and threatened her with dire



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consequences and also kidnapped her husband. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioners submitted that the entire allegation is false, vindictive, wanton and they are no way connected with the offence. He would submit that they have not at all committed any offence as alleged by the respondent police and they have been falsely implicated in this case and they will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 47 days from 08.12.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (CrI. Side) appearing for respondent would submit that totally, there are 6 accused involved in this case and the petitioners are arrayed as A1 to A4 and A5 and A6 are still absconding. He would submit that no previous cases pending against them and chain snatched by them was recovered. He would submit that that if they are released on bail, he would tamper the witnesses and



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hamper the investigation and the investigation is almost completed.

Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and property was recovered from them and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety** for a like sum to the satisfaction of the **learned Judicial Magistrate-1, Thiruvannamalai**, and on further conditions that:

(a) 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;



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(b) the petitioners shall report before the respondent police on alternative days at 10.30 a.m. for the period of two months;

(c) the petitioners shall not commit any offences of similar nature;

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

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

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1. The Judicial Magistrate-1,
Thiruvannamalai.
2. Inspector of Police,
Thachampattu Police Station,
Thiruvannamalai Dt.
3. The Superintendent of Prison,
Sub-Jail, Vellore.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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