



WEB COPY



Crl.O.P.No.6312 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2023

CORAM

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

Crl.O.P.No.6312 of 2023

Sathish @ Vanjinathan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri District.

(Crime No.69 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.69 of 2023, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.E.Kannadasan

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



WEB COPY



Crl.O.P.No.6312 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.02.2023, for the offences under Sections 399 & 402 of IPC, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 15.02.2023, when the *de-facto* complainant, Inspector of Police and his team were on their routine patrol duty, they found that the accused were making preparations for committing dacoity. The respondent has arrested the accused and seized their weapons. Hence the case.

3. Learned Counsel for the petitioner submitted that this is the second application for bail filed by the petitioner. He further submitted that earlier, a case in Crime No.206 of 2022 was registered against the petitioner and in which, the petitioner was granted anticipatory bail by this Court in Crl.O.P.No.790 of 2023 vide order dated 12.01.2023 with a condition to report before the respondent Police on every Wednesday for a period of four weeks. He also submitted that while the petitioner has been regularly



Crl.O.P.No.6312 of 2023

complying with the order of this Court, the respondent has foisted this present case as against the petitioner and he is in custody from 15.02.2023. Hence, he prayed to grant bail to the petitioner, stating that he is ready to abide by any stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that petitioner is a habitual offender, against whom, six previous cases are pending. He further submitted that the petitioner along with other accused was found in making preparations for committing dacoity. He also submitted that he investigation is still pending. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and taking note of the period of incarceration undergone by this petitioner, this Court is inclined to grant bail



Crl.O.P.No.6312 of 2023

to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his 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, Krishnagiri**, 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 petitioner shall report before the respondent Police, everyday at 8.00 a.m., and 6.30p.m., until further orders;**

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

[d] the petitioner 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 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



CrI.O.P.No.6312 of 2023

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.

23.03.2023

ham

To

1. The Judicial Magistrate No.II,
Krishnagiri.
2. The Inspector of Police,
Krishnagiri Taluk Police Station,
Krishnagiri.
3. The Sub Jail,
Krishnagiri.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.6312 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.6312 of 2023

23.03.2023