



Crl.O.P.No.6530 of 2023

WEB COPY 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.6530 of 2023

1.Mani

2.Imran Ahamed

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Pernampet Police Station,
Vellore District.

(Crime No.60 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail, in connection with the
Crime No.60 of 2023, pending on the file of respondent Police.

For Petitioners : Mr.T.Muruganantham

For Respondent : Mr.C.E.Pratap
Government Advocte (crl.side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 01.02.2023 for the offences punishable under Sections 294(b), 341, 392, 397 and 506(ii) of IPC in Crime No.60 of 2023, on the file of the respondent Police, seek bail.

2. The case of the prosecution as per the defacto complainant Dhanasekaran is that the accused have waylaid him and threatened him with knife by saying that they are involved in several cases and robbed an amount of Rs.450/- from him. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they are no way connected with the alleged offence. He would further submit that the fact remains is that the petitioners have got some previous cases against them and only in order to put the petitioners under fetters, the respondent has registered a false case against the petitioners. He would further submit that the very reading of the First Information Report would go to show that the present case is a foisted one. He would also submit the petitioners are in judicial custody from 01.02.2023 and hence, he prays for grant of bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners are habitual offenders, against whom, there are 5 previous cases pending. He would further submit that as far as this case is concerned, the petitioners have waylaid the de-facto complainant and by threatening him with knife, have robbed a sum of Rs.450/- from him. Hence, he opposed for grant of bail to the petitioners.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, each of the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties** (out of which, one shall be a blood related surety, who should produce document to show his/her means), each



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for a like sum to the satisfaction of the **learned Judicial Magistrate, Gudiyatham** 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 daily twice at 09.00 a.m and 6.30 p.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]***;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

23.03.2023

vk

To

1. The Judicial Magistrate,
Gudiyatham.
2. The Inspector of Police,
Pernampet Police Station,
Vellore District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Vkr

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