



Crl.O.P.No.8532 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM

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

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1. Arumugam

2. Thangavel

3. Ajith Kumar

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Vandavasi South Police Station,
Tiruvannamalai District.

(Crime No.68 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in Crime No.68 of 2023, pending on
the file of the respondent.

For Petitioners : Mr.Jerry V.V.Sundar

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 07.04.2023 for the offences punishable under Sections 294(b), 341, 342, 363, 323, 395, 397, 506(i) of IPC @ 109, 294(b), 341, 342, 363, 323, 395, 397, 506(i) IPC in Crime No.68 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant, who was working as a Branch Manager in APR Company is that on 24.03.2023 at 6.30 p.m., the Chief Manager Sathishkumar had instructed him to take a sum of Rs.16,55,140/- and pay the same at the Head Officer at Cheyyar and therefore, the *de-facto* complainant received the said money from his office and when he was travelling in his two wheeler near the Cheyyar Highways, the named accused had waylaid his vehicle, abused and assaulted him and tried to rob the money from him. Since, the *de-facto* complainant refused to give the cash bag to them, the accused assaulted him and kidnapped him in a car and when the car was proceeding near Arani Arunagiri Chatram, they had taken out some bundles of cash from the *de-facto* complainant's cash bag. At that time, the night patrolling police were



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standing there and on seeing the police, the *de-facto* complainant made noise from the car. When the police tried to stop the car, the accused left the cash bag and escaped from the car. Hence, the case.

3. Learned Counsel for the petitioners submitted that the petitioners, who are arrayed as A1, A2 & A3, are the employees of one Althaf Thasif, who is the owner of the APR Company. He further submitted that the *de-facto* complainant is the person who had misappropriated the money from the Company and attempted to escape with the money, during which, the petitioners along with other employees viz., A1 to A7 attempted to prevent him from escape with the money and there was a fist fight and quarrel between them, during such time, the respondent had arrested the petitioners and the de-facto complainant had given a false complaint, as if, A1 to A7 have snatched the money from him. He further submitted that the fact remains is that the money belongs to the owner of the company. He also submitted that the petitioners were arrested on 25.03.2023 and they are in custody for more than 20 days. He further submitted that there is no bad antecedents against the petitioners and they are ready to abide by any stringent condition that may be imposed by this Court. He also submitted that



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the owner of the company was arrested and enlarged on bail by this Court in Crl.O.P.No.8418 of 2023 vide order dated 19.04.2023. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the main accused one Althaf Thasif had instigated the petitioners (A1 to A3 respectively) and other employees to snatch money which was in the custody of the *de-facto* complainant and thereby, the petitioners and other employees waylaid the *de-facto* complainant and attempted to rob the money from him. He further submitted that the investigation is still pending, 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) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking



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note of the fact that the main accused in this case has been granted bail by this Court and also considering the period of incarceration undergone by the petitioners, 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 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, Vandavasi**, 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, everyday at 10.30 a.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



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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.

20.04.2023

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To

1. The Judicial Magistrate,
Vandavasi.
2. The Inspector of Police,
Vandavasi South Police Station,
Tiruvannamalai District.
3. The Central Jail,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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