



Crl.OP.No.11790 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.11790 of 2023

1.Sakthi Shanmugam

2.Harikrishnan

... Petitioners

Vs.

The State Rep. by,
The Inspector of Police,
Velampalayam Police Station,
Tiruppur District.
(Crime No.259 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail pending investigation in Crime
No.259 of 2023, on the file of the Inspector of Police, Velampalayam Police
Station, Tiruppur.

For Petitioners : Mr.P.Thinesh

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)



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ORDER

The Petitioners / Accused 2 and 3, who were arrested and remanded to judicial custody on 05.04.2023 for the offences punishable under Sections 294(b), 452, 427, 195A and 506(ii) of I.P.C. in Crime No.259 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that Petitioners along with other accused threatened the *de-facto* Complainant and insisted not to give witness against their friend. Hence, the complaint.

3. The learned Counsel appearing for the Petitioners would submit that the Petitioners are innocent and they have been falsely implicated in this case. Therefore, he prays for grant of bail to the Petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the Respondent would submit that the Petitioners along with other accused along with other accused threatened the *de-facto* Complainant. He would further submit that there is no previous case pending against them. Hence, he



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vehemently opposed to grant 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 including the First Information Report.

6. Considering the above facts and circumstances 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, the Petitioners are directed to deposit a sum of Rs.2,000/- (Rupees Two Thousand only) each to the credit of Crime No.259 of 2023 before the learned Judicial Magistrate No.III, Tiruppur and on such deposit, 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, one surety shall be a blood surety, each for a like sum to the satisfaction of the Judicial Magistrate No.III, Tiruppur, and on further condition that:



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(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the Petitioners are directed to deposit a sum of Rs.2,000/- (Rupees Two Thousand only) each to the credit of Crime No.259 of 2023 before the learned Judicial Magistrate No.III, Tiruppur;

(c) The final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

(d) the Petitioners shall report before the respondent police daily at 10.00 a.m., until further orders.

(e) the petitioners shall not influence, threaten or coerce the witness either during investigation or trial;

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



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(g) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(h) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(i) if the Accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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SATHI KUMAR SUKUMARA KURUP,J.

Jeni/Mpl

To

- 1.The Judicial Magistrate No.III,
Tiruppur.
- 2.The Inspector of Police,
Velampalayam Police Station,
Tiruppur District.
- 3.The Central Prison,
Tiruppur.
- 4.The Public Prosecutor,
High Court of Madras.

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