



CrI.O.P.No.13491 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

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

CrI.O.P.No.13491 of 2023

1.Sridhar

2.Ravikiran

3.Ganesh

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Mathigiri Police Station,
Krishnagiri District.
(Crime No.155 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.155 of 2023 on the file
of the respondent Police.

For Petitioners : Mr.J.Pradeep

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 05.06.2023 for the offences punishable under Section 399 of IPC in Crime No.155 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant/Karthikeyan, Sub Inspector of Police, is that when he was on the regular patrol duty near Mathigiri Government Husbandry Farm, he found that the petitioners were hiding in the bushes near mosque and talking about to commit dacoity for the purpose of mobilizing money to engage an advocate for getting bail to their friend, who is confined in parapana Agrahara Jail, Bangalore. Hence the case.

3. Learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are no way connected with the alleged offence and they are ready to abide by any stringent condition that may be imposed by this case. He also submitted that the petitioners are is in custody



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from 05.06.2023, hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the defacto complainant was on the regular patrol duty near Mathigiri Government Husbandry Farm, he found that the petitioners were hiding in the bushes near mosque and talking about to commit dacoity for the purpose of mobilizing money. He further submitted that there is one previous case pending against the third petitioner and as far as the petitioners 1 and 2 are concerned, no previous case is pending. Hence, he opposed to grant 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 entire 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 also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.



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7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties, out of which, one should be a blood related surety of the petitioner**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Hosur**, 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 appear 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 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



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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.

19.06.2023

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To

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



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