



WEB COPY



Crl.O.P.No.29000 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.29000 of 2023

1. Harish@Manivel
2. Prabakaran

... Petitioners

Vs.

The State rep by
The Sub Inspector of Police,
Jayankondam Police Station
Ariyalur District.
Crime No.584 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner / Accused on bail in Crime No.584 of 2023
pending on the file of the respondent Police.

For Petitioners : Mr.D.Lakshmipathy

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioners who were arrested and remanded to judicial custody
on 03.12.2023 for the offences punishable under Section 399 of IPC in Crime



Crl.O.P.No.29000 of 2023

No.584 of 2023 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioners along with accused were found in possession of weapons and they have planned to commit dacoity. Hence, the complaint.

3.The 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 have been in judicial custody from 03.12.2023 and co-accused were granted bail. Hence, he seeks for granting of bail to the petitioners.

4.The learned Additional Public Prosecutor for the respondent submitted that the the petitioners were found in possession of weapons and they have planned to commit dacoity. Hence, she opposed for granting of bail to the petitioner.

5.Heard both side and perused the materials available on record.

6.Considering the rival submissions made on either side and taking into consideration the period of incarceration undergone by the petitioner **and co-accused were arrested and released on bail**, I am inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail



Crl.O.P.No.29000 of 2023

on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Jayankondam** and on further conditions that:

[b] the petitioners shall report before the respondent police, everyday at 10.00 a.m for a period of one month.

[c] the petitioners shall not commit any offences of similar nature.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

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

28.12.2023

smn/shl



Crl.O.P.No.29000 of 2023

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To

1. The Judicial Magistrate No.I,
Jayankondam.
2. The Sub Inspector of Police,
Jayankondam Police Station,
Ariyalur District.
3. The Sub Jail,
Jayankondam.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.29000 of 2023

P.DHANABAL, J.

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Crl.O.P.No.29000 of 2023

28.12.2023