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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.9415 of 2024

Vijayan @ Viji

... Petitioner

Vs.

State Rep by.
The Inspector of Police,
Chengam Police Station,
Thiruvannamalai District.
Crime No. 157 of 2024.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/Accused No.2 on bail in crime No. 157 of
2024 pending on the file of the respondent police.

For Petitioner : Mr.Krishnasamy Chinnasamy
For Respondent : Mr.Meganathan
Government Advocate (Crl. side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on **16.03.2024** for the alleged offences punishable under Sections **399 IPC in crime No. 157 of 2024** on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 16.03.2024, while on petrol the respondent found the petitioner and other accused persons making preparation to commit decoity. Hence the case.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he is an innocent person. Further, he submitted that co-accused has been released on bail. Learned counsel prays to grant anticipatory bail to the petitioner.

4. On the other side, the learned Government Advocate (Crl. side) submits that the respondent found the petitioner and other accused persons while making preparation to commit decoity. Further, he stated that there is five previous case pending against the petitioner. However, he raised objection to grant bail.



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5. Considering the period of incarceration undergone by the petitioner/A2 and also investigation is completed. Further, the co-accused has been released on bail. Hence, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties (one must be a blood surety)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Chengam**, 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further order.

[c] the petitioner shall not abscond either during investigation or trial;



[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

17.04.2024

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T.V.THAMILSELVI,J.



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To

1. The **Judicial magistrate, Chengam.**

2. The Inspector of Police,
Chengam Police Station,
Thiruvannamalai District.

3. The Central Prison, Vellore.

4. The Public Prosecutor,
High Court of Madras.

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