



Crl.OP.No.12358 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

THE HONOURABLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.12358 of 2024

1.P.Siva @ Sivakumar

2.S.Thanraj

3.T.Saravanan @ Velliyan Saravanan

... Petitioners

Vs.

The State

Rep. by the Inspector of Police,

Sankari Police Station,

Salem District.

(Crime No.192/2024)

... Respondent

Prayer : Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail pertaining to Crime No.192/2024 pending investigation on the file of the respondent police.

For Petitioners : Mr.R.Jayaprakash

For Respondent : Mr.R.Vinothraja, GA (Crl. Side)



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ORDER

The petitioners/A1 to A3 who were arrested and remanded to judicial custody on 23.04.2024 for the offence punishable under Section 392 and 397 of IPC in Crime No.192 of 2024 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioners had extracted a sum of Rs.2,000/-, cell phone and car of the defacto complainant at knife point. Hence, this complaint.

3.Learned counsel appearing for the petitioners would submit that that the occurrence took place on 21.04.2024 but the complaint was lodged only on 23.04.2024. He further submitted that the complaint lodged by the defacto complainant is fabricated and that the petitioners were falsely implicated. Hence, he seeks for grant of bail to the petitioners.



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4. Learned Government Advocate (Crl.Side) would submit that there are no records to indicate that the Accused No.1 & 3 are involved in any previous criminal case. The second accused (A2) alone has one previous case. Therefore, he submitted that custodial interrogation is required for further investigation.

5. Heard the learned Counsel for the Petitioners and the learned Government Advocate (Crl.Side) for the respondent Police 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 also considering the fact that the petitioner is in judicial custody from 23.04.2024, this Court is inclined to grant bail to the petitioners with certain conditions.



7. Accordingly, the petitioners 1 & 3 / Accused No.1 & 3 are directed to deposit a sum of Rs.10,000/- each (Rupees Ten Thousand Only) and the second petitioner / A2 is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) to the credit of Crime No.192 of 2024 to prove their bonafide before the respondent police and on such deposit the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- each (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Sankari 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 1 & 3 / Accused No.1 & 3 are directed to deposit a sum of Rs.10,000/- each (Rupees Ten Thousand Only) and the second petitioner / A2 is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) to the credit of Crime No.192 of 2024 to prove their bonafide before the respondent police and that the receipt of such payment shall be



produced before the concerned Magistrate at the time of executing the bond;

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[c] the petitioners shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

[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 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].



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

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl

To

- 1.The State
Rep. by the Inspector of Police,
Sankari Police Station,
Salem District.
- 2.The Judicial Magistrate No.I, Sankari.
3. The Sub Jail, Sankari.
- 4.The Public Prosecutor, High Court of Madras.

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C.SARAVANAN, J.
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