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Crl.O.P.Nos.12478 & 12514 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.O.P.Nos.12478 & 12514 of 2024

1.Santhosh,
S/o. Mahendran

2.Nishanthan,
S/o. Dakshina Moorthy

... Petitioners
(in Crl.O.P.12478/2024)

Thilak Kumar,
S/o. Mahendran

... Petitioner
(in Crl.O.P.12514/2024)

Versus

State represented by,
The Inspector of Police,
Ennore Police Station,
Redhills.

(Crime No.384 of 2024).

... Respondent

COMMON PRAYER : Criminal Original Petitions filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioners/accused on bail, in connection with the Crime No.384 of 2024, respectively, pending on the file of the respondent Police.



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For Petitioner(s) : Mr. S. Karthick & Mr. M. Bakkyaraj

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

COMMON ORDER

These two Criminal Original Petitions are filed under Section 439 of Cr.P.C., to enlarge the petitioners/accused on bail, in connection with the Crime No.384 of 2024, pending on the file of the respondent Police.

2. The petitioners in Crl.O.P.No.12478 of 2024 are the accused Nos.1 & 2 and the petitioner in Crl.O.P.No.12541 of 2024 is the accused No.3 in Crime No.384 of 2024, before the respondent Police. The accused were arrested and remanded to judicial custody on 04.05.2024 for the offences punishable under Sections 341, 294(b), 323, 397 & 506(ii) of IPC in Crime No.384 of 2024. Hence, they have come up with these petitions and seek bail.

3. The case of the prosecution is that the *de-facto* complainant lodged a complaint stating that on 04.05.2024 at about 9.00 A.M., the



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petitioners waylaid him and demanded money, and when the *de-facto* complainant refused to give, the petitioners had assaulted the *de-facto* complainant and snatched a sum of Rs.855/- from him at knife point and also threatened with dire consequences. Hence, the complaint.

4. Learned counsel for the petitioners submitted that the petitioners are innocent persons and they are no way connected with the alleged offences, and a false complaint has been foisted against them. He also submitted that the petitioners are in custody from 04.05.2024 and that the petitioners are also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

5. Learned Government Advocate (Crl.Side) appearing for the respondent Police vehemently opposed for grant of bail to the petitioners stating that the first petitioner/A1 in Crl.O.P.No.12478 of 2024 is involved in similar offences in which trials are pending and he is also involved in a heinous crime of murder. He further submitted that there is one previous case pending against the second petitioner/A2 in Crl.O.P.No.12478 of



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2024 and that there is no past history of criminal record as far as the petitioner/A3 in Crl.O.P.No.12514 of 2024 is concerned.

6. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent Police and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering the fact that the offences involved in this case are minor offences, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their execution of separate bonds for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Tiruvottiyur**, and on further conditions that:

[a] the sureties shall affix their photographs



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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 first petitioner/A1 in Crl.O.P.No.12478 of 2024 is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the credit of Crime No.384 of 2024. The second petitioner/A2 in Crl.O.P.No.12478 of 2024 and the petitioner/A3 in Crl.O.P.No.12514 of 2024 are directed to deposit a sum of Rs.5,000/- each to the credit of Crime No.384 of 2024 and the receipt of such payment shall be produced before the concerned Court at the time execution of bail bond;

[c] the petitioners shall report before 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



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

22.05.2024

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To

1. The Judicial Magistrate, Tiruvottiyur.
2. The Inspector of Police,
Ennore Police Station, Redhills.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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C.SARAVANAN.,J.

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