



Crl.O.P.Nos.28269 & 27838 of 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM

**THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN**

Crl.O.P.Nos.28269 & 27838 of 2023

1.T.Prasanth  
2.S.Selvam

... Petitioners in Crl.O.P.No.28269 of 2023

C.Surya

... Petitioners in Crl.O.P.No.27838 of 2023

Vs.

The State represented by  
The Inspector of Police,  
Kangeyam Police Station,  
Tiruppur District  
Crime No.420 of 2023

... Respondent in both Crl.O.Ps

**COMMON PRAYER:** Criminal Original Petitions filed under Section 439 of Cr.P.C., prayed to enlarge the petitioners on bail in Crime No.420 of 2023 on the file of the respondent Police.

For Petitioners

in Crl.O.P.No.28269/2023 : Mr.T.Shanmugam

For Petitioner

in Crl.O.P.No.27838/2023 : Mr.Secular S.Arunkumar

For Respondent  
in both Crl.O.Ps

: Mr.L.Baskaran  
Government Advocate (Crl. Side)



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**COMMON ORDER**

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The petitioners/A5 & A7 in Crl.O.P.No.28269 of 2023 who were arrested and remanded to judicial custody on 26.09.2023 for the offences under Sections 395 r/w 397 of IPC, in Crime No.420 of 2023 on the file of the respondent Police, seek bail.

The petitioner/A4 in Crl.O.P.No.27838 of 2023 who was arrested and remanded to judicial custody on 30.08.2023 for the offences under Sections 395, 397 of IPC, in Crime No.420 of 2023 on the file of the respondent Police, seeks bail.

2. It is the case of the prosecution that totally 12 accused in this case and they had entered into the house of the defacto complainant and had committed robbery of substantial amount of cash of Rs.13,00,000/- and also for mobile phones and also 25 sovereigns of gold. They had also threatened the defacto complainant.

3.It is stated that A1, A2 and A3 had been detained under Act 14 of 1982.

4.In so far as the petitioners are concerned, it is stated that the test identification parade was conducted and the son of the defacto complainant had identified A4, A5 and A7/ petitioners herein.



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5.The earlier application for bail filed by A1, A5 and A7 was dismissed by this Court on 16.11.2023 in Crl.O.P.No.25405 f 2023. It is stated that after the date of dismissal, there is one change in circumstance there and on 29.11.2023, one of the accused namely Vijayakanth S/o.Pasupathi had been granted bail by the learned Principal Sessions Judge, Tiruppur in Crl.M.P.No.2610 of 2023.

6.It is further stated that the investigation has been completed and charge sheet has also been filed before the Judicial Magistrate, Kangeyam on 06.12.2023.

7.Taking all these factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

8.Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond 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, Kangeyam 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.



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**[b]the petitioner shall report before the respondent Police, everyday for a period of one week and thereafter, report before the Judicial Magistrate, Kangeyam, everyday, till the date of committal and thereafter, report before the Sessions Court, on every Monday, till the date of framing of charges and thereafter, during the Court hearing dates.**

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

08.01.2024

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To

1.The Judicial Magistrate, Kangeyam.

2.The Central Prison, Coimbatore.



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3.The Inspector of Police,  
Kangeyam Police Station,  
Tiruppur District

4. The Public Prosecutor, High Court of Madras.



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**C.V.KARTHIKEYAN,J.**

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