

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, SALEM

Present : Thiru.S.Jeganathan, B.A., B.L., D.C.A., C.J.,
Principal Sessions Judge (i/c),
I Additional Sessions Judge,
Salem.

Thursday, the 13th day of October, 2022

CRIMINAL MISCELLANEOUS PETITION NO.3419/2022
(CNR.No.TNSA010054882022)

- 1) N.Srinivasan @ Prabhu (24)(A1) S/o Natarajan
 - 2) K.Suriya (23)(A2) S/o Kumar
 - 3) S.Dhineshkumar (22)(A3) S/o Sekar
 - 4) N.Meyyalagan (23)(A4) S/o Nagaraj
 - 5) Vijayakumar (24)(A6) S/o Irusagounder
 - 6) Ashok (28)(A8) S/o PalaniyappanPetitioners/ Accused.
- / Versus /
- State by: The Sub Inspector of Police,
Kondalampatty PS.
Cr.No.540/2022.Respondent / Complainant.

This petition is filed on 11.10.2022 under section 439 of Code of Criminal Procedure, to grant bail to the petitioners.

This petition is filed by Thiru.V.S.Saravanan, Counsel for the petitioners and the Public Prosecutor for the respondent, after perusing the averments, this Court delivered the following:

O R D E R

Heard both sides and perused the records.

This petition is filed by Counsel for the petitioners/accused U/s 439 of Cr.P.C., seeking bail. The petitioners/accused were remanded to judicial custody on 09.10.2022 for the alleged offences u/sec.399 IPC.

The learned counsel for the petitioners would submit that on 04.10.2022 the birthday of the 1st petitioner fallen; the 1st petitioner along with the remaining petitioners celebrated the birthday in a temple by cutting cake with knife; the said incident was published through media; for that purpose the petitioners were falsely implicated in this case; there is no previous case against the petitioners, hence prays to release the petitioners on bail with any condition.

Per contra, the learned Public Prosecutor would submit that on 08.10.2022 at about 3.00 a.m., the Sub Inspector of Police attached with Kondalampatty Police Station Thiru.Chandrasekaran along with police party went near Andipatty Karattu Muniyappan Koil and found the accused with weapon and chilly powder for committing robbery in the closed house and jewellery shop; weapon was seized from the accused and opposed to grant bail to the petitioners. He however added that there is no previous case against the petitioners.

Considering the facts and circumstances and taking into account there is no previous case against the petitioners, this Court is inclined to release the petitioners on bail with the following conditions:

1. that the petitioners are ordered to be released on bail on their executing a bond each for **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties for a like sum each to the satisfaction of the learned Judicial Magistrate No.V, Salem;
2. that the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or Bank pass book to ensure their identity;

3. that the petitioners shall appear and sign before the respondent police daily at 10.00 a.m., until further orders and on further condition that they shall make available themselves for interrogation as and when required by the investigation Officer;
4. that the petitioners shall not tamper with evidence or witness either during investigation or trial;
5. that the petitioners shall not abscond either during investigation or trial;
6. that 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) ;
7. If the accused thereafter absconds, a fresh FIR can be registered U/S. 229 A IPC.

As such this petition is allowed.

Pronounced by me in Open Court, this the 13th day of October, 2022.

Sd /- S.Jeganathan,
Principal Sessions Judge (i/c),
I Additional Sessions Judge,
Salem

Copy to the Judicial Magistrate No.V, Salem.

Copy to the Supdt. Of Jail in which the accused are confined.

Copy to the Sub Inspector of Police, Kondalampatty P.S.