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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM:

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

Cr1.O.P.No.25121 of 2021

Mathew Daniel

.. Petitioner

Vs.

State rep. by its
The Inspector of Police,
Sholinghur Police Station
Ranipet District
(Crime No.335 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.335 of 2021 pending investigation on the file of the respondent.

For Petitioner : M/s.T.Elumalai

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.09.2021 for the offences under Sections 395, 398 and 506 (ii) of IPC, in Crime No.335 of 2021, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused waylaid the defacto complainant and robbed a sum of Rs. 2,250/- and also threatened him with dire consequences. Hence, the complainant.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that this is the 3rd application for bail. He would further submit that the petitioner's leg got broken and he has been suffering incarceration with illness for more than 90 days from 24.09.2021. Hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) raised strong objection stating the petitioner has got three previous cases and still the other accused are absconding.

5. It is seen that though the petitioner has got three previous cases, in all the cases he has been granted bail and no P.T. Warrant was issued against him. Considering the above facts and circumstances of the case and the fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sholinghur and on further conditions that:

(a) the petitioner shall make non-refundable deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) through demand draft to the Registered Advocates Clerks Association, Arakkonam, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond 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 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]*; and;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-

22/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
SHOLINGHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
SHOLINGHUR POLICE STATION,
RANIPET DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE REGISTERED
ADVOCATES CLERKS ASSOCIATION,
ARAKKONAM.

+1CC to M/S.T.ELUMALAI Advocate on payment of necessary charges
SR.NO.15295

CRL OP.25121/2021

Date :22/12/2021

CSK 22/12/2021