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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.15093 of 2022

Bablu @ Ganesh

..Petitioner/A2

Vs.

State rep by
Inspector of Police,
H-4 Korukkupet Police Station,
Chennai
crime No.176 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.176 of 2022 on the file of the respondent police.

For Petitioner : M/s.Porkodi

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.05.2022 for the offence punishable under Section 399 of IPC in crime No.176 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner along with other accused persons prepared to commit dacoity. Hence, the case.

3. The learned Additional Public Prosecutor would submit the petitioner is having six previous cases and he also executed bond under Section 110 of Cr.P.C. and thereafter he violated the bond and as such, he was again remanded to judicial custody for the remaining bond period.



4. The learned counsel for the petitioner would submit that the order passed under Section 122 of Cr.P.C. has been challenged by the petitioner before this Court in Crl.RC.No.85 of 2022 and his detention was suspended in Crl.MP.No.9945 of 2022 on 20.06.2022.

5. The petitioner is incarcerated from the date of arrest i.e. 21.05.2022. That apart, the case of the prosecution is that the petitioner along with other accused persons was prepared to commit dacoity. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. 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 blood related sureties, each for a like sum to the satisfaction of the XV Metropolitan Magistrate Court, George Town, Chennai 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 petitioner shall stay at Dharmapuri and report before the Inspector of Police, B1 Town Police Station, Dharmapuri daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of two weeks and thereafter report before the respondent police as and when required for interrogation.

[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.

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-sd/-
30/06/2022

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 XV METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
H-4, KORUKKUPET POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL. CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE
B1 TOWN POLICE STATION,
DHARMAPURI.

+1CC to M/S.PORKODI Advocate on payment of necessary charges
SR.No.10342

CRL OP.15093/2022

Date :30/06/2022

CSK 01/07/2022