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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

CORAM

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

Cr1.OP.No.15375 of 2022

Muthuraj @ Settingmuthuraj

..Petitioner/ A5

Vs.

State by,
Inspector of Police,
H6, R.K.Nagar Police Station,
Chennai
crime No.256 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.256 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.K.Prabhakaran

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.05.2022 for the offences punishable under Sections 399 and 402 of IPC in crime No.256 of 2022 on the file of the respondent police, seeks bail

2. The case of the prosecution is that the defacto complainant is running a cattle farm with cows at Kodungaiyur. On 18.04.2022 at 10.00 a.m., the defacto complainant took his cows for grazing at a place behind Bharathi Nagar Housing Board. At that time, there were some persons who gathered and planned to commit robbery around Tondiarpet and Korukkupet areas. Thereafter, the defacto complainant went to police station and gave the complaint against the accused persons.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Therefore, he seeks for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that there are totally six accused and the petitioner is arrayed as A5, who along with other accused persons planned to commit dacoity. He would further submit that knife and iron rod were recovered from the petitioner and other accused persons. Hence, he vehemently opposed to grant bail to the petitioner.

5. Even according to the case of the prosecution, the petitioner along with other accused persons attempted to commit offence. That apart, the petitioner has six previous cases. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e. 12.05.2022, 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 learned XV Metropolitan Magistrate at 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 Namakkal and report before the Inspector of Police, Namakkal Police Station, Namakkal 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. until further orders.

[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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05/07/2022

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 METROPOLITAN MAGISTRATE,
NO.XV, GEORGE TOWN, CHENNAI.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL-II,
CHENNAI.

4 THE INSPECTOR OF POLICE,
H6, R.K.NAGAR POLICE STATION,
CHENNAI.

5 THE INSPECTOR OF POLICE,
NAMAKKAL POLICE STATION,
NAMAKKAL.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.PRABHAKARAN Advocate on payment of necessary charges

CRL OP.15375/2022

Date :05/07/2022

RW-06/07/2022