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CrI.OP.No.15741 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM

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

CrI.OP.No.15741 of 2022

Jabar Ali

..Petitioner

Vs.

State by:

The Sub-Inspector of Police,
Jayankondam Police Station,
Udayarpalayam Taluk,
Ariyalur District.

Crime No.226 of 2022

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to grant bail to the petitioner in Crime No.226 of 2022 on the file of the Sub-Inspector of Police, Jayankondam Police Station, pending investigation of the case.

For Petitioner : Mr.R.Ramesh

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.06.2022 for the offences punishable under Sections 272, 273, 328 of IPC and Section 77 of The Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.226 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused were found in possession of Hans Pockets - 795 Nos. and allegedly selling it to general public. Hence, the case was registered against the accused persons.

3.The learned counsel appearing for the petitioner would submit that false case has been foisted against the petitioner. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that petitioner along with other accused were found in possession of Hans Pockets - 795 Nos. Hence, he opposed to grant bail to the petitioner.



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5. Taking into consideration the facts of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is directed to make non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the credit of **Chief Justice Relief Fund, High Court of Madras** and on such deposit, the petitioner is ordered to be released on bail on their executing separate 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 **learned Judicial Magistrate No.1, Jayankondam, Ariyalur District** 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 make non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Chief Justice Relief Fund, High Court of Madras, and that the receipt of such deposit shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter report before the respondent police as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness 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



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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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

07.07.2022

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To

- 1.The Judicial Magistrate-I,
Jayankondam, Ariyalur District.
2. Principal Sessions Judge,
Ariyalur Sessions Division,
Ariyalur District.
- 3.The Sub-Inspector of Police,
Jayankondam Police Station,
Udayarpalayam Taluk,
Ariyalur District.
- 4.The Central Prison,
Trichy
- 5.The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

Sma

Crl.O.P.No.15741 of 2022

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