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CrI.O.P.No.16263 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2022

CORAM

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

CrI.O.P.No.16263 of 2022

Rajarajan

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Mangadu Police Station,
Kancheepuram.
Crime No.422 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with the case in Crime No.422 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.N.Manoharan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.05.2022 for the offences punishable under Sections 147, 148, 452, 342, 365 and 506(ii) IPC in crime No.422 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, totally there are 12 accused in this case and the petitioner is arrayed as A2. It is alleged that the petitioner along with other accused conspired together and kidnapped the victim by name Suresh Kumar. Hence, the case.

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 and due to land dispute, false complaint has been lodged by the defacto complainant. That apart, the petitioner has been suffering incarceration from 31.05.2022. Therefore, he prays to grant anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that that the respondent had rescued the said Suresh Kumar. However, he opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration undergone by the petitioner from the date of arrest ie., from 31.05.2022, this Court is inclined to grant bail to the petitioner.

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 blood related sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate Sriperumbudur** 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 report before the respondent police daily at 10.30 a.m., for a period of four weeks and thereafter 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.

15.07.2022

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To

1. Judicial Magistrate, Sriperumbudur.
2. The Inspector of Police,
Mangadu Police Station,
Kancheepuram.
3. Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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