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CrI.OP.No.16234 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2022

CORAM

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

CrI.OP.No.16234 of 2022

M.Subash @ Tamil

..Petitioner/A5

Vs.

The Inspector of Police,
Puduchatram Police Station,
Namakkal District.
(Crime No.124 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.124/2022 on the file
of the respondent.

For Petitioner : Mr.T.Balachandran

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 29.05.2022 for the offence punishable under Sections 120(b),
201, 392 r/w 397 of IPC in crime No.124 of 2022 on the file of the



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respondent police, seeks bail.

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2. It is the case of the prosecution that on 20.05.2022, when the defacto complainant was returning from Virudhunagar in his bike, near Thirumalaipatti to Belukurichi road, some accused persons came in a two wheeler and threw chilli powder. Subsequently, they looted money from him and also threatened him with dire consequences. Hence, the case.

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

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that on the occurrence day, the accused persons waylaid the defacto complainant and sprayed chill power over him. Thereafter, they looted Rs.18,93,600/-, out of which nearly Rs.13,94,000/- has been recovered so far, and now the defacto complainant is also arrayed as an accused. He would further submit that



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A1 was already granted bail by this Court in Crl.OP.No.13458 of 2022 on 23.06.2022 and A3 was already granted bail by this Court in Crl.OP.No.14823 of 2022 on 28.06.2022.

5. Considering the above facts and circumstances of the case and also considering that co-accused has been granted bail by this Court, 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 Judicial Magistrate No-2, Namakkal, Namakkal 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.

[b] the petitioner shall stay at Chennai and report before the Inspector of Police, New Washermenpet Police Station, Chennai 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



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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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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The learned Judicial Magistrate No-2,
Namakkal, Namakkal District.
- 2.The Inspector of Police,
Puduchatram Police Station,
Namakkal District
- 3.Central Prison,
Salem
- 4.The Public Prosecutor,
High Court of Madras

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