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Crl.O.P.No.16841 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2022

CORAM

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

Crl.O.P.No.16841 of 2022

Parthiban

...Petitioner

Vs.

State rep. by
The Inspector of Police,
Kundrathur Police Station,
Kanchipuram District.
Crime No.394 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No.394 of 2022 on the file of the Inspector of Police, Kundrathur Police Station, Kanchipuram.

For Petitioner : Mr.P. Sundara Rajan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.06.2022 for the offences punishable under Sections **392, 397 of IPC** in crime No.394 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 waylaid and threatened the defacto complainant by showing a screw driver and thereby robbed a sum of Rs.1,300/- and a REDME mobile phone from his pocket. 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. That apart, the petitioner has been suffering incarceration from 06.06.2022. Therefore, he prays to grant anticipatory bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that the stolen property has not been recovered and further submitted that there are two previous cases similar in nature is pending as against the petitioner. Hence, he vehemently opposed grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner from the date of arrest ie., from 06.06.2022, 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 stay at Hosur and report before the Hosur town police twice daily at 10.30 a.m., and 04.30 p.m., for a period of four weeks and thereafter report before the respondent police daily 10.30.a.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.

19.07.2022

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To

1. Judicial Margistrate,
Sriperumbudur.
2. The Inspector of Police,
Kundrathur Police Station,
Kanchipuram District.
3. Sub Jail,
Kancheepuram
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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