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CrI.OP.No.20384 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2022

CORAM

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

CrI.OP.No.20384 of 2022

1.R.Vijay
2.K.Jagadesh
3.Shamiya Humayun
4.R.Ramkumar
5.B.Vignesh

...Petitioners

Vs.

State represented by
The Inspector of Police,
D1, Triplicane Police Station,
Chennai.
(Crime No.487 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail in Crime No.487 of 2022 on the
file of Respondent Police.

For Petitioners :Mr.S.Jayakumar

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 04.08.2022 for the offences punishable under Sections **392 and 397 of IPC** in crime No.487 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that, the petitioners waylaid the defacto complainant and attacked him with knife and also robbed 69 gram gold chain, a cell phone and also a two wheeler bearing Reg.No. TN 19 AM 6327. Hence, the case.

3. The learned counsel for the petitioners submitted the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that, apart from this case, there is no previous case pending against the petitioners. However, he opposed for grant of bail to the petitioners.



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5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners from the date of their arrest i.e., 04.08.2022, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with **two sureties (one blood surety and one local surety)**, each for a like sum to the satisfaction of the **learned Metropolitan Magistrate-II at Egmore** 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 petitioners shall report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m., for a period of six weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not abscond either during investigation or trial.



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[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

30.08.2022

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To

1. Metropolitan Magistrate-II,
Egmore.
2. The Inspector of Police,
D1, Triplicane Police Station,
Chennai.
3. Central Prison,
Puzhal II, Chennai.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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