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Crl.OP.No.20944 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2022

CORAM

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

Crl.OP.No.20944 of 2022

Niyasudheen

...Petitioner

Vs.

State represented by
The Inspector of Police,
Pudhuchatram Police Station,
Pudhuchtaram.
(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 of 2022 on the file of the Respondent Police for which a charge sheet in PRC No.19 of 2022 has been filed before the Learned Judicial Magistrate II of Namakkal.

For Petitioner :Mr.A.Yuvaraj

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.08.2022 for the offences punishable under Sections **392, 397, 120B and 201 of IPC** in crime No.124 of 2022 on the file of the respondent police, seek bail.

2. There are totally seven accused and the petitioner has been arrayed as A6. The case of the prosecution is that the petitioner along with other accused alleged to have looted money from the defacto complainant to the tune of Rs.19,00,000/- on criminal conspiracy by throwing chilli powder on causing life threat. Hence, the case.

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

4. The learned Additional Public Prosecutor submitted that



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there is no previous case pending against the petitioner. However, he opposed for grant of bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of arrest i.e., 01.08.2022, 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 sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, No.II, Namakkal** 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 report before the respondent police



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twice daily at 10.30 a.m. and 5.30 p.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 abscond, a fresh FIR can be registered under Section 229A IPC.

02.09.2022

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To

1. Judicial Magistrate,
Namakkal.
2. The Inspector of Police,
Pudhuchatram Police Station,
Pudhuchatram.
3. Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.
Sma

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