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Crl.OP.No.21521 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2022

CORAM

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

Crl.OP.No.21521 of 2022

K.Packiaraj

...Petitioner

Vs.

State represented by
The Inspector of Police,
D2, Anna Salai Police Station,
Chennai.
(Crime No.168 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.168 of 2022 on the
file of the respondent police - D2, Anna Salai Police Station, Chennai.

For Petitioner :Mr.V.S.Senthilkumar

For Respondent :Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.07.2022 for the offences punishable under Sections 392 and 397 of Indian Penal Code in Crime No.168 of 2022, seeks bail.

2. The case of the prosecution is that, the petitioner along with other accused waylaid the defacto complainant and robbed a sum of Rs.20,00,000/- at knife point and also attacked him with knife. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is a 60% disabled person and he has been falsely implicated in this case. That apart, the petitioner has been suffering incarceration from 25.07.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that, there are two previous cases pending against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the fact and circumstances of the case and also



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considering the period of incarceration by the petitioner from the date of arrest ie., on 25.07.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing separate 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 II Metropolitan Magistrate, Egmore, Chennai** 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 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 petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[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.

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To

1. II Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
D2, Anna Salai Police Station,
Chennai.
3. Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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