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Crl.OP.No.21141 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.21141 of 2022

Sathish

...Petitioner

Vs.

State, rep. by
The Inspector of Police,
B-3 Kanchi Taluk Police Station,
Kancheepuram District.
(Crime No.560 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.560 of 2022 on the file of respondent police.

For petitioner	: Mr.R.Sasikumar
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 06.08.2022 for the offences punishable under Section 399 of
IPC in crime No.560 of 2022 on the file of the respondent police, seeks



CrI.OP.No.21141 of 2022

bail.

2. The case of the prosecution is that the petitioner along with other accused persons were making preparation for the commission of dacoity on the passer-by with knives and wooden log. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that a false case has been foisted against the petitioner. He would also submit that the petitioner was arrested and remanded to judicial custody on 06.08.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally 6 accused persons, in which the petitioner is arrayed as A2. He further submitted that there are 6 previous cases pending as against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, and also considering the period of incarceration by the petitioner from



CrI.OP.No.21141 of 2022

the date of arrest i.e., 06.08.2022, 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 sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Kancheepuram**, 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 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]**.



Crl.OP.No.21141 of 2022

WEB COPY

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

02.09.2022

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CrI.OP.No.21141 of 2022

G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate No.II, Kancheepuram.
- 2.The Inspector of Police,
B-3 Kanchi Taluk Police Station,
Kancheepuram District.
- 3.Sub Jail,
Kancheepuram.
- 4.The Public Prosecutor,
High Court of Madras

CrI.O.P.No.21141 of 2022

02.09.2022