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CrI.O.P.No.21792 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.21792 of 2022

Mukindhar @ Mukindhar Amarnath

... Petitioner

Vs.

The State represented by,
Inspector of Police,
Mappedu Police Station,
Tiruvallur Taluk and District.
Crime No.215 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.215 of 2022 pending
investigation on the file of the respondent Police.

For Petitioner : Mr.T.Arul

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.08.2022 for the alleged offences punishable under Sections 341, 294(b), 394 and 397 of IPC in Crime No.215 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner waylaid the de-facto complainant and by threatening him at knife point, had robbed an amount of Rs.700/- from him. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that there are 2 previous cases pending against the petitioner on the file of the very same respondent in Crime Nos.64 of 2020 and 35 of 2022 and subsequently, the respondent has invoked the proceedings under 110 Cr.P.C and issued a summon to the petitioner and since the petitioner did not appear before the respondent, a false complaint has been foisted against him. He would further submit that other than the above said cases, no case is pending as against the petitioner. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that petitioner is a habitual offender and also a history sheeted rowdy in H.S.No.14 of 2020 and there were 2 previous cases against him. He would further submit that the petitioner was detained under 110 Cr.P.C before the Revenue Divisional Officer, Tiruvallur District in M.C.No.78 of 2022 dated 30.03.2022 and whereas, on 15.08.2022, the petitioner had robbed an amount of Rs.700/- from the de-facto complainant at knife point, therefore the petitioner was arrested on 16.08.2022. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant bail to the petitioner.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Tiruvallur**, 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 everyday at 10.30 a.m. and 5.30 p.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



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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;

22.09.2022

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To

1. The Judicial Magistrate No.II,
Tiruvallur.
2. The Inspector of Police,
Mappedu Police Station,
Tiruvallur Taluk and District.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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