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Crl.O.P.No.25885 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

CORAM

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

Crl.O.P.No.25885 of 2022

1. Dillibabu

2. Ajay @ Pamb Ajay

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
M-5, Ennore Police Station,
Tiruvallur.

Crime No.540 of 2022

... Respondent

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

For Petitioners : Mr.M.Nithiyavel

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 17.08.2022, for the offences punishable under Sections 341, 294(b), 336, 392, 397 & 506(ii) of IPC, in Crime No.540 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.08.2022, the petitioners waylaid the defacto complainant and threatened him at knife point and robbed a sum of Rs.1,160. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that this is the second bail petition filed by the petitioners. However, he is not pressing the bail application in respect of the second petitioner. He would further submit that the earlier bail petition was dismissed by this Court for the reason that there are 11 previous cases pending against the first petitioner, however all the cases are pending trial and the petitioner has not been found guilty in any of the above case. He would further submit that the first petitioner has been suffering incarceration from 17.08.2022. Hence, he seeks for grant of bail to the first petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that, on 17.08.2022, the petitioners waylaid the defacto complainant and threatened him at knife point and robbed a sum of Rs.1,160 from the defacto complainant. He would further submit the first petitioner has 11 previous cases as against him. Hence, he opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and other materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submission made by the learned counsel and also considering that the first petitioner is aged about 20 years and has been suffering incarceration from 17.08.2022, this Court is inclined to grant bail to the first petitioner.

7. Accordingly, the first 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 (one of the surety shall be a father or**



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mother of the petitioner), each for a like sum to the satisfaction of the learned Judicial Magistrate, Tiruvottiur 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 first petitioner shall report before the respondent police daily at 05.30.p.m., until further orders.

[c] the first petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the first petitioner shall not abscond 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 first petitioner 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];**



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

8. Accordingly, this Criminal Original petition is ordered for the first petitioner and dismissed in respect of the second petitioner.

31.10.2022

Sma

To

1. learned Judicial Magistrate,
Thiruvottiyur.
- 2.The Inspector of Police,
M-5, Ennore Police Station,
Tiruvallur.
3. Central Prison,
Puzhal II, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Sma

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