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Crl.O.P.No.26007 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.26007 of 2022

Karthikeyan @ Karthi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
E-1, Singanallur Police Station,
Coimbatore District.
Crime No.544 of 2022

... Respondent

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

For Petitioner : Mr.W.Camyles Gandhi

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.08.2022, for the offences punishable under Sections 394 & 397 of IPC, in Crime No.544 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant/Karthikeyan is that, the petitioner along with other accused waylaid and snatched mobile phone by threatening him with a knife. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that since the petitioner has three previous cases pending against him, the respondent has foisted this case in order to curtail the activities of the petitioner. He would also submit that the petitioner is in custody from 26.08.2022 and 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 the petitioner along with other accused waylaid and snatched the defacto complainant's mobile phone by threatening him with a knife. He would further submit that there are three previous cases pending against the petitioner. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner 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 the period of incarceration, this Court is inclined to grant bail to the petitioner.

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 (one surety shall be either Father of Mother of the petitioner)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate -III, Coimbatore** and on further conditions that:



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[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 daily at 05.30.p.m., until further orders.

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

[d] the 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 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 absconds, a fresh FIR can be registered under Section 229A IPC;

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To

1. learned Judicial Magistrate III,
Coimbatore.
- 2.The Inspector of Police,
E-1, Singanallur Police Station,
Coimbatore District.
3. Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Sma

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