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Crl.OP.No.26804 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

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

Crl.OP.No.26804 of 2022

Suresh @ Hari

... Petitioner

Vs.

State by Inspector of Police,
H-6 RK Nagar Police Station,
Chennai.
(Crime No.502 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.502 of 2022 on the file
of the respondent police.

For Petitioner : Mr.V.Karthick

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 25.08.2022 for the offences punishable under Sections 399 & 402 of IPC in Crime No.502 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution as per the Sub Inspector of Police is that while he was at patrol duty on 25.08.2022, he had seen the accused making preparation to commit robbery and burglary. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has nothing to do with the alleged offence. He would submit that since the petitioner has some previous cases, the respondent police had summoned the petitioner to the police station. However, on fearing of arrest, the petitioner did not appear before the respondent police and a case has been foisted against the petitioner as if he had prepared to commit robbery. He would submit that the petitioner is in custody for more than 70 days and the petitioner is prepared to abide by any stringent conditions imposed on him. Therefore, he prays to grant bail to the petitioner.



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4. The learned Government Advocate (crl.side) appearing for the respondent would submit that the petitioner is the History Sheeter in H.S.No.90 of 2018- B Category and there are 15 previous cases pending against him. He would submit that the petitioner along with the other accused had prepared to commit robbery and burglary and that the investigation is pending. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also period of incarceration suffered by the petitioner from 25.08.2022, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on



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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 Metropolitan Magistrate No.XV, George Town** 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 every day at 10.30 am and 5.30 pm 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 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 abscond, a fresh FIR
can be registered under Section 229A IPC.

03.11.2022

shk

To

1. The learned Metropolitan Magistrate No.XV, George Town.
- 2.The Inspector of Police,
H-6 RK Nagar Police Station,
Chennai.
3. The Central Prison,
Puzhal-II.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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