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Crl.O.P.No.27100 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 07.11.2022**

**CORAM**

**THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR**

**Crl.O.P.No.27100 of 2022**

1. Soundarajan
2. Harikrishnan
3. Kesavan
4. Nandhakumar
5. Venkatachalam
6. Thangaraj

... Petitioners/A1 to A6

Vs.

The State by Inspector of Police,  
Sankari Police Station,  
Salem District.  
(Crime No.375 of 2022)

... Respondent

**PRAYER:** Criminal Original Petitions filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the petitioners on bail in connection with the case in  
Crime No.375 of 2022 pending investigation on the file of the respondent  
police.

For Petitioners : Mr.A.Saravanan

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





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4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that on 20.10.2022, at about 10.00.a.m., the petitioners were standing in group in a suspicious manner, when the same was questioned by the respondent police, they had given contrary statements and on further enquiry revealed that they were making preparations to commit dacoity. He would fairly submit that there is no recovery of weapon from the petitioners. However, he opposed for grant of bail to the petitioner.

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

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that there is no recovery of weapon from the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.



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8. Accordingly, the petitioners are ordered to be released on bail on their 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.1, Sankari** 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 petitioners shall report before the respondent police daily at 10.30.a.m., until further orders.**

[c] the petitioners shall not abscond during trial;

[d] the petitioners shall not tamper with evidence or witness during trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance



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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]***;

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

**07.11.2022**

sma

To

1. The Judicial Magistrate No.1, Sankari.
2. The Inspector of Police,  
Sankari Police Station,  
Salem District.
3. The Central Prison,  
Salem.
4. The Public Prosecutor,  
High Court of Madras.



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**M.NIRMAL KUMAR, J.**

sma

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