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Crl.O.P.No.30741 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.12.2022

CORAM :

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.30741 of 2022

Prakash @ Pura Prakash,
S/o.Velu

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.
(Crime No.751 of 2022)
Respondent

...

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.751 of 2022 on the file of respondent police.

For Petitioner : Mr.M.Illiyas

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.11.2022 for the alleged offence punishable under Sections 399, 402 of I.P.C. in Crime No.751 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that on 28.11.2022 about 12.30 hours, when the Sub-Inspector of police on routine checkup, they found that the petitioner along other 9 accused were present in SOC area and they are said to have preparing to commit dacoity in the scene of occurrence with knife. Hence, the complaint.

3. The learned counsel appearing for petitioner would submit that he is an innocent person, he has not committed any offence as alleged by the respondent police and he has been falsely implicated in the present case. He would submit that he undertakes to abide any stringent condition that may be imposed by this court and he is in custody for more than 14 days from 28.11.2022. Hence, he prayed to grant bail to the



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petitioner.
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4. The learned Additional Public Prosecutor appearing for the respondent would submit that totally, there are ten accused involved in this case and there are 11 previous case similar in nature pending against the petitioner. He would submit that the petitioner colluding with other accused prepared to commit dacoity. He would submit that A1 to A7 were arrested and A8 to A10 are absconding and co-accused A5 and A6 were granted bail. He would submit that the investigation is almost completed and if he is released on bail, he would hamper the investigation and tamper the witnesses. Hence, he opposed to grant bail to the petitioner.

5. Considering the fact that the investigation is almost completed, and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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



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on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **learned XV Metropolitan Magistrate, George Town, Chennai** and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioner shall stay at Ramanathapuram District and appear before the Town Police Station, Ramanathapuram at 10.30 a.m. daily for the period of three months;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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



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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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

13.12.2022

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To

- 1.The XV Metropolitan Magistrate,
George Town, Chennai.
- 2.The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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