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Crl.O.P.No.3450 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2023

CORAM

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

Crl.O.P.No.3450 of 2023

Vinoth @ Arch Vinoth

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K-8 Arumbakkam Police Station,
Chennai.

(Crime No.1012 of 2021).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime
No.1012 of 2021, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Rajavelu

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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Crl.O.P.No.3450 of 2023

ORDER

The petitioner, who was arrested under P.T. warrant and remanded to judicial custody on 23.01.2023, for the offences punishable under Sections 399 of IPC, in Crime No.1012 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 12.09.2021, when the *de-facto* complainant, Sub-Inspector of Police was on his routine patrol duty, the accused were found making preparations for committing dacoity with weapons such as knife and wooden logs. Hence the case.

3. Learned counsel appearing for the petitioner submitted that as far as this case is concerned, the petitioner is an innocent person and he has been falsely implicated in this case, since he has got some previous cases. He further submitted that the respondent, in order to put the petitioner on strings, has lodged a false case as against the petitioner and others. He also submitted that reading of the First Information Report will also show that the present case is a foisted one. He also stated the petitioner is in custody from 29.12.2022, hence, he prayed to grant bail to the petitioner.



Crl.O.P.No.3450 of 2023

WEB COPY

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner is a habitual offender against whom, 14 previous cases including one murder case, one attempt murder cases, are pending. He further submitted that as far as this case is concerned the petitioner along with other accused was found making preparations for committing dacoity and weapons such as knife and wooden logs were seized from them and hence, he opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)**



Crl.O.P.No.3450 of 2023

with **two blood related sureties** (who should produce document to show his/her means), each for a like sum to the satisfaction of the **learned V Metropolitan Magistrate, Egmore, Chennai**, 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, everyday at 6.30 p.m., 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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Crl.O.P.No.3450 of 2023

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

08.03.2023

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To

1. The V Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
K-8 Arumbakkam Police Station,
Chennai.
3. The Sub Jail,
Poonthamalle.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.3450 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.3450 of 2023

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