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Crl.O.P.No.5619 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

CORAM

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

Crl.O.P.No.5619 of 2023

Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
North Police Station,
Erode, Erode District.

(Crime No.61 of 2023).

... 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.61
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.Deepan Uday

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.02.2023, for the offences punishable under Sections 457, 380 & 511 of IPC, in Crime No.61 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 31.01.2023, the accused have trespassed into the house of the de-facto complainant and attempted to commit theft in his house. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that only based on the confession recorded from other accused, the petitioner has been implicated in this case. He further submitted that the petitioner is ready to furnish proof of his permanent residence and ready to abide by any stringent conditions that may be imposed on him. He also stated the petitioner is in custody from 13.02.2023, hence, he prayed to grant bail to the petitioner.



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4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner (A5) along with other accused had planned to commit theft in the house of the de-facto complainant and due to which, A1 to A4 have entered into the house of the de-facto complainant and A5 has stood outside the house. He further submitted that no previous case is pending as against the petitioner, however, 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)**



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with **two sureties** (out of which, one shall be a blood related surety, who should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate-I, Erode**, and on further conditions that:

[a] the petitioner should produce the proof for his permanent residence before the learned trial Judge concerned;

[b] 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;

[c] the petitioner shall report before the respondent Police, everyday at 10.30a.m. and 5.30 p.m., until further orders;

[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 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



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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 abscond, a fresh
FIR can be registered under Section 229A IPC.

09.03.2023

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To

1. The Judicial Magistrate-I,
Erode.
2. The Inspector of Police,
North Police Station,
Erode District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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