



Crl.O.P.No.6075 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

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

Crl.O.P.No.6075 of 2023

Karthick

.. Petitioner

Vs.

The State represented by,
The Inspector of Police,
Rasipuram Police Station,
Namakkal District.

(Crime No.413 of 2022).

... 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.413 of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.RM.Venkatesh

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 05.11.2022 for the offences under Section 392 of IPC, in Crime No.413 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant, Valarmathi is that the accused has snatched a gold chain worth about Rs.30,000/- from her. 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 the final report has been filed and the case has been taken on file in C.C.No.365 of 2022 on the file of the Judicial Magistrate, Rasipuram, Namakkal and he has to engage the counsel to conduct his case. He further submitted that the petitioner has got permanent residence and he is ready to furnish adequate sureties and also co-operate for speedy disposal of the trial. He also submitted that the period of incarceration suffered by the petitioner may be taken into consideration and hence, he prays for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the



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respondent police submitted that the petitioner has snatched a gold chain worth about Rs.30,000/- from the defacto complainant. He further submitted that the property has been recovered and there is one previous case pending against the petitioner. He further submitted the the final report has been filed before the Judicial Magistrate, Rasipuram and the case has been taken on file in C.C.No.365 of 2022 and the case now stands posted for examination of L.W.6 to L.W.8 on 28.03.2023. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the petitioners 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 either side of the parties and the period of incarceration undergone by the petitioner and also taking note of the fact that the property has been recovered, 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



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his executing 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 Judicial Magistrate, Rasipuram, Namakkal District** 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 the **Judicial Magistrate, Rasipuram, Namakkal District** daily at **10.30 a.m.**, until further order and also report before the respondent Police, daily at **6.30 p.m.**, until completion of the trial ;

[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



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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.

8. Further, the learned Judicial Magistrate, Rasipuram, Namakkal District, is directed to complete the trial as expeditiously as possible, preferably, within a period of two months from the date of receipt of copy of this order.

16.03.2023

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To

- 1.The Judicial Magistrate,
Rasipuram, Namakkal District.
- 2.The Inspector of Police,
Rasipuram Police Station,
Namakkal District.
- 3.The Sub Jail,
Rasipuram, Namakkal District.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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