



Crl.O.P.No.7057 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2023

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

Crl.O.P.No.7057 of 2023

1. Sangeeth Kumar

2. Parthasarathy

3. Selvakumar

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
C1, Sriperumbudur Police Station,
Kanchipuram District.

(Crime No.128 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail, in connection with the
Crime No.128 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.G.Sankaralingam

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



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false complaint, as if the petitioners have robbed the money from them. He further submitted that the petitioners are in custody from 20.02.2023, hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners along with other accused have assaulted the de-facto complainant and his friends and robbed a sum of Rs.2,700/- and the mobile phones from them. He further submitted that as far the first petitioner is concerned, he is a habitual offender, against whom, 23 cases are pending and in respect of the other petitioners, there is no previous case. However, he vehemently opposed for grant of bail to the petitioners.

5. In reply, the learned counsel for the petitioners submitted that as far as the first petitioner is concerned, he seeks permission of this Court to withdraw the petition and he has also made an endorsement to that effect. He also submitted that in respect of the other petitioners, no case is pending against them. Therefore, he prayed for grant of bail to the second and third petitioners stating that they are ready to abide by any stringent conditions that may be imposed by this Court.



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

7. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the second and third petitioners with certain condition.

8. Accordingly, in view of the submission made by the learned counsel for the petitioners, the Criminal Original Petition in respect of the 1st petitioner, is dismissed as withdrawn and in respect of the other petitioners, the Criminal Original Petition stands allowed and the second and third petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties** (out of which one surety should be a blood related surety and should produce document to show his/her means), for a like sum to the satisfaction of the **learned Judicial Magistrate, Sriperambathur**, and on further conditions that:



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[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 second and third petitioners shall report before the respondent Police, everyday at 10.30a.m., until further orders;

[c] the second and third petitioners shall not abscond either during investigation or trial;

[d] the second and third petitioners 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 second and third petitioners in accordance with law as if the conditions have been imposed and the second and third 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.

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To

1. The Judicial Magistrate,
Sriperambathur.
2. The Inspector of Police,
C1, Sriperumbudur Police Station,
Kanchipuram District.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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