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Crl.OP.No.9522 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

**Crl.O.P.No.9522 of 2023**

Senthil Kumar

..Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
C-2, Elephant Gate Police Station,  
Chennai.

(Crime No.41 of 2023)

..Respondent

**PRAYER:**Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail, concerned in Crime No.41 of 2023 on the file of the Respondent Police.

For Petitioner : Mr.S.Devan

For Respondent : Mr.A.Damodaran,  
Additional Public Prosecutor

**ORDER**

The petitioner, who was arrested and remanded to judicial custody on 19.03.2023 for the offence punishable under Sections 392 @ 395 of IPC, in Crime No.41 of 2023 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the petitioner along with other accused, waylaid the defacto complainant and thrown pepper spray on him and robbed money to a sum of Rs.50,00,000/-. Hence, the present case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and he is no way connected with the offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that there are totally 6 accused, in which, the petitioner is arrayed as A4. The petitioner along with other accused, waylaid the defacto complainant and thrown pepper spray on him and robbed money to a sum of Rs.50,00,000/-. Hence, he vehemently opposed to grant bail to the petitioner.



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5. It is seen that the co-accused were already granted bail by this Court. A sum of Rs.35,00,000/- has been recovered by the respondent Police. The petitioner was arrested and remanded to judicial custody on 19.03.2023.

6. Considering the above facts and circumstances of the case, and also considering the period of incarceration undergone by the petitioner from 19.03.2023, this Court is inclined to grant bail to the petitioner.

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) with **two blood related sureties**, each for a like sum to the satisfaction of the learned VIII-MM at 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., and 05.00 pm, 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]**.

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

05.05.2023

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To

- 1.The VIII-MM at George Town, Chennai.
2. The Inspector of Police,  
C-2, Elephant Gate Police Station,  
Chennai.
3. The Central Prison.  
Puzhal.
- 4.The Public Prosecutor,  
High Court of Madras.

**G.K.ILANTHIRAIYAN, J.**



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