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CrI.OP.No.10068 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

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

CrI.OP.No.10068 of 2023

Venkatesan

... Petitioner/ A2

Vs.

State Rep by
The Inspector of Police,
B-3, Kanchi Taluk Police Station,
Kanchipuram District.
Crime No.267 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in Crime No. 267 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Saranraj

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.04.2023 for the offence punishable under Section 399 of IPC read with Section 25(1)(a) of Arms Act, in Crime No.267 of 2023 on the file of the respondent police, seeks bail

2. The case of the prosecution is that on 10.04.2023, the Inspector of Police along with other officials were on routine check-up, they found the petitioner along with other accused near the thorn bushes on Orikkai-Denambakkam road with deadly weapons and planned to commit dacoity and subsequently, they were arrested. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that on 10.04.2023, the Inspector of Police along with other officials were on



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routine check-up, they found the petitioner along with other accused near the thorn bushes on Orikkai-Denambakkam road with deadly weapons and planned to commit dacoity and subsequently, they were arrested. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor and perused the F.I.R.

6. 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 related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kanchipuram 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 daily at 10.30 a.m, and 5.30 p.m., until further orders.



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[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.

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G.K.ILANTHIRAIYAN, J.

nr/gbi

To

- 1.The Judicial Magistrate No.II,
Kanchipuram.
2. The Inspector of Police,
B-3, Kanchi Taluk Police Station,
Kanchipuram District..
3. The Central Prison,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai

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