



CrI.OP.No.10373 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.10373 of 2023

Mohan

... Petitioner/A4

Vs.

State Rep by
The Inspector of Police,
Sholavaram Police Station,
Thiruvallur District
Crime No.51 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.51 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.04.2023 for the offence punishable under Sections 341, 294(b), 336, 427, 307, 394, 397 and 506(ii) of IPC in Crime No.51 of 2023 on the file of the respondent police, seeks bail

2. The case of the prosecution is that on the date of occurrence, the petitioner and others abused the defacto complainant and assaulted with knife. They also robbed Rs.900/-. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner was implicated only based on the confession statement of the co-accused. Hence, he prays for grant of bail to the petitioner.

4. The Additional Public Prosecutor appearing for the respondent police would submit that the petitioner along with other accused persons robbed Rs.900/- from the defacto complainant and also attacked the complainant. Hence, he opposed to grant bail to the



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petitioner.

5. Totally there are four accused, in which the petitioner is arrayed as A4. He was implicated only based on the confession statement of the co-accused. Considering the facts and circumstances of the case and also the period of incarceration by the petitioner from 11.04.2023, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall pay Rs.10,000/- (Rupees Ten Thousand only) directly to the victim and on producing the acknowledgment for payment of Rs.10,000/-, 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 Judicial Magistrate No.II, Ponneri 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 pay Rs.10,000/- (Rupees Ten Thousand only) directly to the victim and the acknowledgment for the same shall be produced before the Magistrate while executing bond.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. and 05.30 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

05.05.2023

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G.K.ILANTHIRAIYAN, J.

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To

1.The learned Judicial Magistrate No.II,
Ponneri

2.The Inspector of Police,
Sholavaram Police Station,
Thiruvallur District

3.Central Prison,
Puzhal

4.The Public Prosecutor,
High Court of Madras,
Chennai

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