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CrI.OP.No.10303 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.10303 of 2023

1.Arun Kumar @ Koolaiyan
2.Surya Prakash @ Surya
3.Ajith

... Petitioners

Vs.

State Rep by
Inspector of Police,
Namakkal Police Station,
Namakkal District.
Crime No.176 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.176 of 2023 pending investigation on the file of the respondent police.

For Petitioners : Mr. T.Dhasarathan

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

ORDER

The petitioners, who was arrested and remanded to judicial custody on 24.04.2023 for the offences punishable under Sections 188, 457 and 427 of IPC and thereafter it was altered as under Section 457 & 427 of IPC r/w3 of TNPPDL Act in Crime No.176 of 2023 on the file of



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the respondent police, seeks bail.

2. The case of the prosecution is that petitioners along with other accused have break open the sealed temple and also caused damages to the CCTV camera worth about Rs.7,000/-. Hence, the case.

3. The learned counsel for the petitioners would submit that petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that petitioners along with other accused have break open the sealed temple and also caused damages to the CCTV camera worth about Rs.7,000/-. Hence, he opposed for grant of bail to the petitioners.

5. Considering the facts and circumstances of the case and also the period of incarceration by the petitioners, this Court is inclined to grant bail to the petitioners.



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6. Accordingly, the petitioners are ordered to be released on bail on their 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-I, Namakkal** 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 petitioners shall report before the respondent police daily at 10.30.a.m., for a period of two weeks and thereafter as and when required for interrogation.**

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned



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Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the 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 absconds, a fresh FIR can be registered under Section 229A IPC.

05.05.2023

Sma

To

1. Judicial Magistrate -I,
Namakkal.
2. Inspector of Police,
Namakkal Police Station,
Namakkal District.
3. Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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