



Crl.O.P.No.10729 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HON'BLE MR.JUSTICE A.A.NAKKIRAN

Crl.O.P.No.10729 of 2023

Dinesh Kumar @ Tattoo Dinesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Palladam Police Station,
Tiruppur District.

(Crime No.323 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in Crime No.323 of 2023,
on the file of the respondent Police.

For Petitioner : Mr.P.Thinesh

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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4. Learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner along with other accused had kidnapped the defacto complainant in a car and attacked him with deadly weapons and robbed his silver bracelet and Rs.4,000/- from his wallet and further, they misused the defacto complainant's ATM cards by withdrawing a sum of Rs.41,000/-. He would further submit that there are six previous cases pending against the petitioner and the proceeding have been initiated against the petitioner under Goondas Act and five witnesses have been examined. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the period of incarceration undergone by this petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is directed to deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** to the credit of **Crime No.323 of 2023**, without prejudice to his rights and contentions before the trial Court, on such deposit, 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 sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Palladam**, 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., until further orders;

[c] the petitioner shall not abscond either during the investigation trial;

[d] the petitioner shall not tamper with evidence or witness either during the 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



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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 abscond, a fresh FIR can be registered under Section 229A IPC.

17.05.2023

vkrr

To

1. The Judicial Magistrate,
Palladam.
2. The Inspector of Police,
Palladam Police Station,
Tiruppur District.
3. The Central Prison,
Tiruppur.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN,J.

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