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Crl.O.P.No.10769 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Crl.O.P.No.10769 of 2023

Baskar

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
H-4, Korukkupet Police Station,
Chennai – 600 021.

(Crime No.73 of 2023)

... Respondent

Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in Crime No.73 of 2023, on
the file of the respondent police, pursuant to the order dated 27.04.2023 in
Crl.M.P.No.10137 of 2023 passed by the learned Principal Sessions Judge,
Chennai.

For Petitioner : Mr.P. Udhayashankar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.04.2023, in connection with Crime No.73 of 2023 registered for the offence punishable under Sections 399 and 402 of IPC, seeks bail.

2. The case of the prosecution is that based on the secret information received by the respondent police, on the date of occurrence i.e., on 24.04.2023 at about 14.00 hours, the respondent police had seen that the petitioner along with other accused unlawfully assembled with deadly weapons, near thorn bush, rear side of Kamarajar Colony, Korukkupet, with an intention to commit dacoity. On seeing the police party, except the petitioner and other person, two accused persons have absconded. Hence the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped into this case. He further submitted that the petitioner is no way connected with the alleged offence and he is in judicial custody from 24.04.2023. He also submitted that the



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petitioner is ready and willing to furnish solvent sureties and to abide by any stringent condition that may be imposed on him. Hence, he prayed for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent submitted that there are totally four accused in this case and the petitioner is arrayed as A1. He further submitted that there are totally two witnesses in this case and both have been examined. He also submitted that the petitioner is an history sheeter and has got History Sheet Book in H.S.No.70 of 2015 on the file of the respondent police and there are nine previous cases similar in nature, pending as against the petitioner, out of three cases were registered under Section 302 of IPC. Hence, he strongly opposed for grant of bail to the petitioner.

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



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6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned XV Metropolitan Magistrate, 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;

[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 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



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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

arb/gd

To

1. The XV Metropolitan Magistrate,
George Town,
Chennai.
2. The Inspector of Police,
H-4, Korukkupet Police Station,
Chennai – 600 021.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

arb/gd

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