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Crl OP No.10843 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.OP. No. 10843 of 2023

Sabarish

... Petitioner

Versus

State rep.by
The Inspector of Police,
B-3, Kanchi Taluk Police Station,
Kanchipuram District.
(Crime No.268 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Cr.No.268/2023 on the file of
the respondent police.

For Petitioner : Mr.A.Saranraj

For Respondent :Mr.E.Raj Thilak,
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 Sections 399 of IPC, R/w Section 25(1)(a) of Arms Act, in Crime No.268 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners along with other accused assembled and planned to commit dacoity on the passer by near the thorn bushes of Orikkai – Denambakkam Road with deadly weapons. 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. He had also submitted that the petitioner is in custody from 10.04.2023. Hence, he seeks for grant of bail to the petitioner.



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4. The learned Additional Public Prosecutor would submit that the petitioner along with five other assembled near the thorn bushes with deadly weapons. He further submitted that no previous case of similar nature is pending against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case, the period of incarceration and that further custody of the petitioner is not required for investigation, this Court is inclined to grant bail on the following conditions;

(a) the petitioner shall execute 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 No.II, Kanchipuram.

[b] 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.

[c] the petitioner shall report before the respondent police daily at



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10.30 a.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.

10.05.2023

(sma/sha)



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SUNDER MOHAN, J

(sma)

To

1.The Judicial Magistrate No.II, Kanchipuram.

2.The Inspector of Police,
B-3, Kanchi Taluk Police Station,
Kanchipuram District.

3.Central Prison, Puzhal, Chennai.

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

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10.05.2023