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CrI.O.P.No.11300 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

CrI.O.P.No.11300 of 2023

S.Nelson Mandela @ Karthick

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Vishnu Kanchee Police Station,
Kanchipuram District.
(Crime No.707 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.707 of 2022, on the file
of the Inspector of Police, Vishnu Kanchee Police Station, Kanchipuram
District.

For Petitioner : Ms.S.Thamizharasi

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 13.03.2023, in connection with Crime No.707 of 2022 registered for the



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offence punishable under Sections 147, 148, 341, 342, 395, 397 and 506(ii) of IPC, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused waylaid the defacto complainant and robbed a sum of Rs.800/- at knife point from him. Hence, the case.

3.Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody for the past 63 days. Hence, he prayed for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner along with other accused waylaid the defacto complainant and robbed a sum of Rs.800/- at knife point from him. He also submit that so far four witnesses have been examined and also submit that the petitioner is having 20 previous cases and the same are similar in nature. Hence, he opposed for grant of bail to the petitioner.



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5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in incarceration for the past 63 days and four witnesses have been examined, this Court is inclined to grant bail to the petitioner with certain conditions.

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 Judicial Magistrate-I, Kanichipuram**, 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 learned Judicial Magistrate-I, Kanchipuram on every Monday at 10.00 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,



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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]***;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

18.05.2023

vv/drl

To

1. The Judicial Magistrate-I,
Kanichipuram.
2. The Inspector of Police,
Vishnu Kanchee Police Station,
Kanchipuram District.
3. The Superintendent, Central Jail,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

A.A.NAKKIRAN, J.



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