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Crl.O.P.No.11248 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.11248 of 2023

Arivarasan

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam.

(Crime No.126 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.126 of 2023,
on the file of the respondent police, pursuant to the order dated 28.04.2023 in
Crl.M.P.No.1625 of 2023 passed by the learned Principal District and
Sessions Judge, Nagapattinam.

For Petitioner : Ms.Mythili Srinivas

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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of bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent submitted that on 13.04.2023, the petitioner waylaid the de-facto complainant, robbed a sum of Rs.300/- from him at knife point and also criminally intimidated him. He further submitted that there are totally two witnesses in this case and both of them have been examined. He also submitted that the petitioner is an history sheeter and has got History Sheet Book on the file of the respondent police and there are three previous cases similar in nature, pending as against the petitioner. 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.

6. Accordingly, the petitioner is ordered to be released on bail on



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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 No.I, Nagapattinam**, 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 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.



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To

1. The Judicial Magistrate No.I,
Nagapattinam.
2. The Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam.
3. The District Prison,
Nagapattinam.
4. The Public Prosecutor,
High Court of Madras.

A.A.NAKKIRAN, J.



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