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Crl.OP.No.11778 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.11778 of 2023

M.Prathab @ Babilal
S/o.Murugan

... Petitioner

Vs.

The State represented by
The Inspector of Police,
R6, Kumaran Nagar Police Station,
Chennai District.
(Crime No.129/2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the Petitioner/7th accused on bail in Crime No.129 of 2023
(on the file of the R6, Kumaran Nagar Police Station at Chennai) pending
investigation on the file of the respondent police .

For Petitioner : Mr.M.Kadhirvel

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 27.04.2023 for the offences punishable under Section 147, 148, 341, 294(b), 392, 397 and 506(ii) of IPC in Crime No.129 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that the Petitioner along with other accused assaulted the defacto complainant with knife and forcibly robbed a cash of Rs.600/- from him. Hence, the complaint.

3. The learned Counsel appearing for the Petitioner would submit 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 been falsely implicated in this case. He would submit that Petitioner is in judicial custody from 27.04.2023. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the



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Respondent would vehemently oppose to grant bail by stating that the Petitioner along with other accused assaulted the defacto complainant with knife and forcibly robbed a cash of Rs.600/- from him. He would also submit that there is no previous case against the petitioner. Hence, he vehemently opposed to grant bail to the Petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

6. Considering the facts and circumstances and also considering the period of incarceration suffered by the petitioner and the petitioner is having no previous case, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one surety shall be a blood surety, each for a like sum to the satisfaction of the learned *Metropolitan Magistrate-XXIII* ,



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Saidapet, Chennai and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the petitioner shall co-operate with the pending investigation and he shall remain at Vellore and report before the Inspector of Police, Vellore North Police, daily at 10.00 a.m., until further orders.

(c) the petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.



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(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

24.05.2023

Vv/ham

To

1. The Metropolitan Magistrate-XXIII , Saidapet, Chennai
- 2.The Inspector of Police,
R6, Kumaran Nagar Police Station,
Chennai District.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP,J.

Vv/ham

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