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CrI.O.P.No.11847 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.11847 of 2023

1.Guna @ Korangu Guna

2.Naveen Kumar @ Naveen

... Petitioners

Vs.

State rep. by

The Inspector of Police

Erode North Police Station,

Erode District.

Crime No.174 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.174 of 2023, pending
investigation on the file of the respondent herein.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr. C.E.Pratap

Government Advocate (CrI. Side)

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 06.04.2023, for the offences punishable under Sections 294(b),
341, 506(ii), 392, 397 of IPC in Crime No.174 of 2023 on the file of the
respondent police, seek bail.



2. The case of the prosecution is that the petitioners had waylaid the defacto complainant and robbed a sum of Rs.3,800/- from him. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are native of Karnataka and a false case has been foisted against them for statistical purpose. Hence, he prayed for grant of bail to the petitioners.

4. The learned Government Advocate (Criminal Side) for the respondent vehemently opposed to grant bail to the petitioners stating that that the petitioners are habitual offenders against whom there are two previous cases pending.

5. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl. Side) and perused the materials available on record including the FIR.



6. Considering the above facts and circumstances of the case and the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioners, this Court is inclined to grant of bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with **two sureties, out of which, one shall be a blood related surety**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Erode**, 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 stay at Erode and report before the Inspector of Police, Erode North Police Station every day at 8.00 a.m and 6.30 p.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;



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[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.

06.06.2023

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To

1. The Judicial Magistrate No.I, Erode.
2. The Inspector of Police
Erode North Police Station,
Erode District.
3. The Superintendent,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.
5. The Jailer,
Sub Jail, Erode.



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A.D.JAGADISH CHANDIRA,J.,

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