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Crl.O.P.No.13143 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

Crl.O.P.No.13143 of 2023

Karthi

... Petitioner/A3

Vs.

The State represented by,
The Station House Officer,
Grand Bazaar Police Station,
Puducherry
(Crime No.55 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.55 of 2023, on the file
of the respondent police.

For Petitioner : Mr.S. Ganeshkumar

For Respondent : Mr.M.V.Ramachandramoorthy
Additional Public Prosecutor (Pondicherry)
Assisted by
Mr.A.Alexander (Government Advocate)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 25.03.2023, in connection with Crime No.55 of 2023 registered for the
offences punishable under Sections 394 and 34 of IPC and subsequently,
altered to Section 395 of IPC, seeks bail.



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2. The case of the prosecution as per the defacto complainant is that on 19.03.2023 when he was in home, the petitioner along with other accused persons forcibly entered into the house of the defacto complainant, threatening him with a knife and robbed 82 sovereigns of gold jewels and cash for a sum of Rs.38,00,000/-. Hence the case.

3. Learned counsel for the petitioner has submitted that the petitioner is an innocent person and he has been falsely implicated in this case based on the confession statement recorded from the victim. He has not committed any offence as alleged by the prosecution. He was arrested on 25.03.2023 and is in judicial custody for nearly 83 days. He further submitted that the petitioner has no previous case as against him and hence, he prayed for grant of bail to the petitioner.

4. Learned learned Additional Public Prosecutor (Pondicherry) appearing for the respondent has submitted that the petitioner along with other accused forcibly entered into the house of the defacto complainant, assaulted and threatened him with a knife and robbed 82 sovereigns of gold jewels and cash for a sum of Rs.38,00,000/-. He further submitted that 34



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witnesses have been examined in this case and investigation is almost completed and charge sheet is yet to be filed. However, he strongly opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in incarceration for the past 83 days, 34 witnesses have been examined in this case and no bad antecedents against this petitioner and investigation is almost completed and charge sheet is yet to be filed, 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 Chief Judicial Magistrate, Puducherry**, 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



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Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police everyday 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.

gv

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To

1. The Chief Judicial Magistrate,
Puducherry
2. The Station House Officer,
Grand Bazaar Police Station,
Puducherry.
3. The Central Prison,
Puducherry.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

gv

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