



Crl.O.P.No.13201 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM

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

Crl.O.P.No.13201 of 2023

Rajesh @ Setting Rajesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
N4 Fishing Harbour Police Station,
Chennai.

(Crime No.105 of 2023).

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.105 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



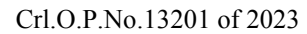
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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that petitioner is a habitual offender, against whom, 11 previous cases are pending and is also history sheeted in H.S.No.1 of 2020. He further submitted that the petitioner (A5) along with other accused was found in making preparations for committing dacoity. He also submitted that the investigation in this case is still pending. Hence, he vehemently opposed for grant of bail to the petitioner.

5. At this juncture, the learned learned counsel for the petitioner submitted that out of the 11 previous cases pending against the petitioner, he was acquitted in two cases and two of them are pending trial and only 7 cases are pending investigation. Hence, he prayed for grant of bail to the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.



8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned XIV Metropolitan Magistrate, George Town, Chennai**, and on further conditions that:

[b] the petitioner shall report before the respondent Police, on every alternate day at 07.30p.m., until further orders;

[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.

28.06.2023

To

1. The XIV Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
N4 Fishing Harbour Police Station,
Chennai.
3. The Central Prison,
Puzhal - II, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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