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CrI.OP.No.14703 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.OP.No.14703 of 2023

V.Kannaiyan

..Petitioner

Vs.

The State Rep. By
Inspector of Police,
K-1, Sembium Police Station,
Pulianthope, Chennai.

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.373 of 2022 on the
file of the Inspector of Police K-1, Sembium Police Station, Chennai.

For Petitioner : Mr.K.Suresh Babu

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.06.2023 for the offence punishable under Sections 457 and 380 of IPC in Crime No.373 of 2022, on the file of the respondent police seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is falsely implicated in a case registered for the offence under Sections 457 and 380 of IPC. It is alleged in the FIR that, on 15.05.2022, between 06.10.p.m., to 21.45.p.m., certain jewels had been stolen from the house of the defacto complainant. However, during that point of time, petitioner was not near the scene of occurrence. In support of his submission, he produced the Google Timeline to show the petitioner's travel on 15.05.2022 from 12.55.p.m to 8.33.p.m. Petitioner is in judicial custody from 09.06.2023. Thus, he seeks bail.

3. In response, learned Government Advocate (CrI. Side) submitted that, during the investigation, it was found that, petitioner's finger prints were found in the house of the defacto complainant. During



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interrogation, petitioner confessed that, he sold the jewels and spent the entire money. He further submitted that, investigation is pending. Hence, he opposed to grant bail to the petitioner.

4. Considering the fact that the petitioner and the defacto complainant are close relatives and the petitioner used to visit the defacto complainant's house and also on perusal of the Google Timeline produced by the learned counsel for the petitioner to show that the petitioner was not seen near the scene of occurrence and also having regard to the fact that the petitioner is in Judicial Custody from 09.06.2023, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on their executing 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 **Vth Metropolitan Magistrate, Egmore** and on further conditions that :-



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[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].



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[f] If the accused thereafter absconds, a fresh
FIR can be registered under Section 229A IPC.

12.07.2023

Sma

To

1. Vth Metropolitan Magistrate,
Egmore.
2. Inspector of Police,
K-1, Sembium Police Station,
Pulianthope, Chennai.
3. Puzhal Central Prison,
Chennai.
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

Sma

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