



Crl.OP.No.14963 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.07.2023

CORAM

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

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1.Prakash @ Suresh

2.Karthi @ Tuning Karthi

3.Ravi @ Snake Ravi

...Petitioners

Vs.

The State Rep by
The Inspector of Police,
Erode Town Police Station,
Erode District.
(Crime No.823 of 2020)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in S.C.No.4 of 2023 on the file of learned II Additional District and Sessions Judge, Erode, in Crime No.823 of 2020 pending investigation on the file of the respondent Police.

For Petitioners : Mr.C.S.Saravanan



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For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)

ORDER

The first and third petitioners, were arrested and remanded to judicial custody on 20.06.2022 and third petitioner was arrested and remanded to judicial custody on 08.11.2022 through NBW for the offences punishable under Section 392 r/w 397 and 394 I.P.C in Crime No.823 of 2020 on the file of the respondent police, seek bail.

2.The learned counsel for the petitioners submitted that petitioners are accused in S.C.No.4 of 2023 on the file of learned II Additional District and Sessions Judge, Erode. Since, the accused did not appear before the committal Court, NBW was issued against the first and third accused on 20.06.2022 and for second accused on 08.11.2022. First and third accused were arrested on 20.06.2022 and the second accused was arrested on 08.11.2022 and they are in judicial custody. Therefore, he prays for grant of bail to the petitioners.

3.In response, the learned Government Advocate (Criminal Side)



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submitted that A1 has six previous cases, A2 and A3 have three previous cases pending against them.

4.In reply, the learned counsel for the petitioners submitted that if bail is granted, petitioners will be very regular in attending the trial.

5.Considered the rival submissions and perused the records.

6.In the light of the submissions made by the learned counsel for the parties and duration of custody, this Court is inclined to grant bail to the petitioners for effective conduct of the case.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- each** (Rupees Ten Thousand only) each with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Erode**, and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the concerned Court daily at 10.30.a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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].

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



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To

1.The Judicial Magistrate No.II, Erode

2.The Inspector of Police,
Erode Town Police Station,
Erode District.

3.Central Prison, Coimbatore.

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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