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Crl.OP.No.15405 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.OP.No. 15405 of 2023

S.Manikandan

....

Petitioner/Accused No.1

Vs

State rep. by

The Inspector of Police,

Avinashipalayam,

Tiruppur.

Cr.No.51 of 2018

....

Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C.

praying to release the petitioner on bail arrested for the alleged offence in

Cr.No.51 of 2018 on the file of the respondent police.

For Petitioner : Mr.B.Aravinthan

For Respondent : Mr.R.Kishore Kumar,
Government Advocate

ORDER

The petitioner, who was arrested and remanded to judicial custody on

21.03.2023 for the offence punishable under Section 392 of IPC, in Crime

No.51 of 2018, seeks bail.

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2. The case of the prosecution is that the petitioner along with other accused robbed 5 ½ sovereigns of gold chain from the neck of the defacto complainant worth about Rs.55,000/- and ran away from the place of occurrence. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 21.03.2023. The petitioner has nothing to do with the allegation as alleged by the prosecution and as such a false complaint has been foisted as against the petitioner. Hence, he sought for bail to the petitioner.

4. The learned Government Advocate would submit that the petitioner was already granted bail. Subsequently, the respondent had completed the investigation in Crime No.51 of 2018 and filed a final report and the same has been taken cognizance in C.C.No.129 of 2018, on the file of the Judicial Magistrate, Palladam. However, the petitioner was absent before the



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Trial Court and as such the Trial Court issued Non-Bailable warrant on 20.07.2018. While pending Non-Bailable warrant, the petitioner had again committed the similar offence and he was arrested and produced on PT warrant in the present case. Only because of his absence, the Trial has been stalled for the past six years. If he is let out on bail, there is a possibility for the petitioner to flee away from the jurisdiction of the Trial Court. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner i.e., from 21.03.2023, this Court is inclined to grant bail to the petitioner.

6. 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 blood related sureties**, each for a like sum to the satisfaction of the learned Judicial Magistrate, Palladam, 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

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Aadhar card or Bank pass Book to ensure their identity.

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[b] the petitioner shall report before trial Court viz., learned **Judicial Magistrate, Palladam daily at 10.30 a.m and 4.30 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.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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1.The Judicial Magistrate, Palladam.

2.The Inspector of Police,
Avinashpalayam,
Tiruppur.

3.Sub Jail, Tiruppur.

4.The Public Prosecutor,
High Court of Madras,
Chennai

G.K.ILANTHIRAIYAN, J.

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