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Crl.O.P.No.16444 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

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

Crl.O.P.No.16444 of 2023

1.M.Manikandan
2.P.Kandhan
3.M.Akash

...Petitioners

Vs.

The State represented by
The Inspector of Police,
Kallavai Police Station,
Ranipet District.
Crime No.115 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioners on bail in Crime No.115 of 2023 pending on the file of the respondent police, Kallavai Police station at Kallavai.

For Petitioner : Mr.S.Makesh

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 16.06.2023 for the offences punishable under Sections 341, 392 and 397 IPC in Crime No.115 of 2023 on the file of the respondent police, seek bail.

2. The learned counsel for the petitioners submitted that, petitioners are falsely implicated as accused in Crime No.115 of 2023 for the offences under Sections 341, 392 and 397 IPC. Petitioners are in judicial custody from 16.06.2023. Petitioners are innocent. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor, opposes this petition, on the ground that, defacto complainant is working in A.P.R. Finance Company. On 15.06.2023, at about 8.40 p.m., he was travelling in his two wheeler bearing No.TN 25 BZ 1939 along with Prabakaran with a sum of Rs.14,10,000/-, which was that day's collection. At about, 9.15 p.m., near Adhiparasakthi Agricultural College, accused waylaid them and robbed Rs.14,10,000/-. It is informed by the learned Additional Public Prosecutor, on



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instructions from Mr.K.Kandeepan, Inspector of Police, Kalavai Police Station that, there is no previous case pending against the petitioners and the amount robbed has been recovered. However, he prays for dismissal of this bail petition.

4. Considering the fact that, amount robbed have been recovered and that petitioners are in judicial custody from 16.06.2023 and that there is no similar case pending against the petitioners and that the material part of the investigation is over, this Court is inclined to grant bail to the petitioners and the petitioners are ordered to be released on bail on his executing separate 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 **Judicial Magistrate-I, Cheyyar** 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 Bank pass Book to ensure their identity.



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[b] the petitioners shall report before the respondent police daily at 10.00 a.m., and 5.00 p.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.

27.07.2023

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To

1.The Judicial Magistrate-I, Cheyyar.

2.The Central Prison.
Vellore.

3.The Inspector of Police,
Kallavai Police Station,
Ranipet District.

4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

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