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Crl.O.P.No.16929 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM

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

Crl.O.P.No.16929 of 2023

Deeparaj (Avoou)

...Petitioner

Vs.

State By: Represented by
The Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai District.
(Crime No.433/2023).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner/accused on bail pending investigation in Crime No.433 of 2023. On the file of the respondent police.

For Petitioner : Mr.V.Elango

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.07.2023 for the offences punishable under Section 399 of IPC in Crime No.433 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is falsely implicated in the case in Crime No.433 of 2023 registered for the offence under Section 399 of IPC. Petitioner is in judicial custody from 14.07.2023. Thus, he prays for grant of bail.

3. In response, the learned Additional Public Prosecutor submitted that, petitioner along with other accused, at about 8.30 a.m., on 14.07.2023 in a bush near Om Sakthi Temple, Tiruvannamalai – Thirukovilur by-pass road railway bridge, had conspired to commit robbery. The petitioner has got nine previous cases pending.

4. Though petitioner has got nine previous cases, allegations against the petitioner is that he along with other accused made preparations for commission of robbery. This allegation is not supported



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by any other incriminating materials.

5. In the said circumstances, this Court is inclined to grant bail to the petitioner and the petitioner is ordered to be released on bail on his executing a 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-II Tiruvannamalai**, 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.

[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.



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G.CHANDRASEKHARAN, J.

mpl

[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.

31.07.2023

mpl

To

- 1.The Judicial Magistrate – II Tiruvannamalai.
- 2.Central Prison, Vellore.
- 3.The Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai District.
- 4.The Public Prosecutor,
High Court of Madras.

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