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CrI.OP.No.17297 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.08.2023

CORAM

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

CrI.OP.No.17297 of 2023

Anthony

..Petitioner

Vs.

The State Rep. By
The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai.
Crime No.153 of 2023

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.153 of 2023 pending
investigation on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi
for Mr.M.Illiyas

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.07.2023 for the offences punishable under Sections 399, 402 of IPC in Crime No.153 of 2023, on the file of the respondent police seeks bail.

2. The learned counsel for the petitioner submitted that, taking advantage of some previous cases pending against the petitioner, case on hand in Crime No.153 of 2023 was registered for the offences under Sections 399 and 402 of IPC against the petitioner. Petitioner is in Judicial Custody from 11.07.2023. Thus, he seeks bail to the petitioner.

3. The learned Additional Public Prosecutor submitted that, petitioner is an habitual offender having 14 previous cases pending against him. Out of which, three cases had been disposed, two cases are referred and remaining cases are pending trial. Hence, he vehemently opposed for grant of bail to the petitioner.

4. The FIR allegations shows that, on 28.04.2023 at about



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03.00.a.m., accused in this case had planned to commit robbery in textile shop or jewellery shop. If anyone tries to prevent them, they planned to murder them. In support of this allegations, it appears that, statements of the witnesses are not recorded so far and there is no other incriminating materials produced to implicate the petitioner in this case. Considering the nature, facts and circumstances of the case and the petitioner is in Judicial Custody from 11.07.2023 and that material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, 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 **XV Metropolitan Magistrate, George Town, Chennai** 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 petitioner shall report before the respondent police twice daily at 10.30.a.m., and 05.30.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 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.

03.08.2023

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To



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1. XV Metropolitan Magistrate George Town,
Chennai.

2. The Inspector of Police,
H-1, Washermenpet Police Station,
Chennai.

3. Central Prison,
Puzhal.

4. The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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