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Crl.O.P.No.17996 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.17996 of 2023

Ramesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
D-2 Anna Salai Police Station,
Chennai

(Crime No.1026 of 2020)

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner concerned in C.C.No.4444 of 2023 on
the file of the learned II Metropolitan Magistrate, Egmore, Chennai-8

For Petitioner : Mr.J.William Shakesphere

For Respondent : Mr. S.Balaji
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was remanded to judicial custody through PT warrant, for the offences punishable under Section 420 of IPC, in Crime No.1026 of 2020, registered on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 18.08.2020, the accused, posing himself as a Government Officer, had received a sum of Rs.5000/- from the de-facto complainant on the false assurance and cheated him. Hence the case.

3. The learned counsel for the petitioner would submit that this is the second bail application. The earlier application for bail was dismissed on the ground that the petitioner is a habitual offender against whom 23 previous cases are pending, out of which, 6 cases are similar in nature. He would further submit that all the offences are petty offences and even if the petitioner is found guilty, conviction cannot be for more than six months. He would also submit that the petitioner is in custody from 13.03.2023. Thereby, he seeks for grant of bail.



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4. The learned Government Advocate (Crl.side) for the respondent would submit that the petitioner is a habitual offender against whom, 23 previous cases are pending, out of which, 6 cases are similar in nature. Hence, he opposed to grant bail.

5. In reply, the learned counsel for the petitioner would submit that the petitioner's close relatives are ready to stand as a surety to him. Thereby, he seeks for grant of bail.

6. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen thousand only)** with **two blood sureties**, each for a like sum to the satisfaction of the **learned II Metropolitan Magistrate, Egmore, Chennai-8**, 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 **learned II Metropolitan Magistrate, Egmore, Chennai-8** everyday at 10.30 am for a period of two weeks and thereafter on the dates fixed by the learned Trial Judge. The petitioner shall also appear before the respondent Police on every Saturday at 6.30 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



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

16.08.2023

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To

1. The learned II Metropolitan Magistrate,
Egmore, Chennai-8,
2. The Inspector of Police,
D-2 Anna Salai Police Station,
Chennai
3. The Central Prison,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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