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CrI.OP.No.17830 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2023

CORAM

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

CrI.OP.No.17830 of 2023

Manikandan

...Petitioner

Vs.

The State Rep by its
The Inspector of Police,
Thiruchengodu Rural Police Station,
Namakkal District.
(Cr.No.178 of 2023)

...Respondent.

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.178 of 2023 on the file of the respondent Police.

For Petitioners : Mr.V.Balamurugan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.06.2023 for the offences punishable under Section 294 (b), 323, 387, 506 (ii) I.P.C, in Crime No.178 of 2023 on the file of the respondent police, seeks bail.



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2.The learned counsel for the petitioner submitted that petitioner is falsely implicated as accused in Crime No.178 of 2023 for the offences under Sections 294 (b), 323, 387, 506 (2) I.P.C. 1860. Petitioner is innocent. He is in judicial custody from 11.06.2023. Therefore, he prays for grant of bail to the petitioner.

3.In response, the learned Additional Public Prosecutor submitted that, on 10.06.2023 at about 11.30 p.m, the accused in this case threatened the defacto-complainant and forcibly took Rs.5000/- from his pocket. All the three accused are arrested. Part of the amount was also recovered. Thus, he prays for dismissal of this petition.

4.Considered the rival submissions and perused the records.

5.Considering the nature of the allegations made against the accused and that part of the amount is recovered and that petitioner is in judicial custody from 11.06.2023, this Court is inclined to grant bail to the petitioner with conditions.



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6. Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/-** (Rupees Ten Thousand only) each with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate, Thiruchengode**, 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 morning at 10.30.a.m., and evening at 5.00 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



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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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To

1.The Judicial Magistrate, Thiruchengode.

2.The Inspector of Police,
Thiruchengodu Rural Police Station,
Namakkal District.

3.Central Jail, Salem.

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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