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CrI.OP.No.18644 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.18644 of 2023

Ganesan

...Petitioner

Vs.

The State by
The Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai District.
(Crime No.480 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner/A2 on bail pending investigation in Crime No.480 of 2023 on the file of the respondent Police.

For Petitioner : M/s.M.Rebecca

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.08.2023 for the offence punishable under Section 399 I.P.C, in Crime No.480 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 Cr.No.480 of 2023 for the offence under Section 399 I.P.C. just to keep him in prison for the reason that he has previous cases pending against him. Petitioner is in judicial custody from 02.08.2023. Hence, he seeks bail.

3.In response, the learned Additional Public Prosecutor submitted that on 02.08.2023, at about 08.00 a.m. accused in this case, near veterinary hospital in Tiruvannamalai-Thirukovilur bypass, conspired to commit dacoity, using deadly weapons. They were apprehended with arms.

4.Considered the rival submissions and perused the records.

5.Though it is claimed that petitioner has two previous cases pending, this Court finds that this case is registered on the basis of complaint given by Mr.Gunasekaran, Inspector of Police, Tiruvannamalai East Police Station. It appears that no independent



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witness has given the complaint. Petitioner is in judicial custody from 02.08.2023 and that material part of investigation in this case might have been completed by this time. Thus, this Court is inclined to grant bail to the petitioner with conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/-** (Rupees Ten Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.2, 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 at 10.00.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.

[e] On breach of any of the aforesaid conditions, the



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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.

16.08.2023

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To

- 1.The Judicial Magistrate No.2
Tiruvannamalai.
- 2.The Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai District.
- 3.Sub-Jail, Tiruvannamalai.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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