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Crl.O.P.No.19098 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2023

CORAM

THE HON'BLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.19098 of 2023

Ghouse Basha

...Petitioner/Accused

Vs.

State rep.by,
The Inspector of Police,
Viruthampet Police Station,
Vellore.

Crime No.142 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to grant bail connected in Crime No.142 of 2023 on the file of the respondent police.

For Petitioner : Mr.P.Bakiyaraj

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.07.2023 for the offences punishable under Section 399 IPC in Crime No.142 of 2023 on the file of the respondent, seeks bail.



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2. It is the submission of the learned counsel for the petitioner that, petitioner is falsely implicated as an accused in this case in Crime No.142 of 2023 registered for the offence under Section 399 IPC. The Petitioner is innocent. Petitioner is in judicial custody from 21.07.2023. Thus, he seeks bail.

3. In response, learned Additional Public Prosecutor submitted that, the petitioner along with the other accused have planned to commit robbery with knife and wooden log. He further submitted that, one previous case is pending against the petitioner. Investigation is still pending. Thus, he prays for dismissal of this bail petition.

4. Considered the rival submissions and perused the records of the case.

5. Considering the facts and circumstances of this case and that, the petitioner is in judicial custody from 21.07.2023 and that the material part of the investigation might have been completed by this



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time, 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 III at Vellore**, 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.

[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].



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[f] If the accused thereafter absconds, a fresh
FIR can be registered under Section 229A IPC.

21.08.2023

vca/gd

To

1. The Judicial Magistrate, Court-III
Vellore.
2. The Inspector of Police,
Viruthampet Police Station,
Vellore.
3. Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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V.SIVAGNANAM, J.
vca/gd

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