



CrI.OP.No.20124 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

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

CrI.OP.No.20124 of 2023

K.Deena

...Petitioner/Accused No.2

Vs.

The State Rep by
The Inspector of Police,
R-5, Virugambakkam Police Station,
Chennai.
(Crime No.503 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to release the petitioner on bail in connection with the case in
Crime No.503 of 2023 pending investigation on the file of the respondent
Police.

For Petitioner : Mr.M.Sarathkumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.07.2023 for the offence punishable under Sections 341, 147, 148, 294 (b), 397 and 506 (2) I.P.C, in Crime No.503 of 2023 on the file of the respondent police, seeks bail.

2.It is the submission of the learned counsel for the petitioner that petitioner is innocent and he has been falsely implicated in this case. Petitioner is in judicial custody from 29.07.2023. Hence, he seeks bail.

3.In response, the learned Additional Public Prosecutor submitted that on 29.07.2023 when the defacto-complainant was selling fruits in cart, at about 5.00p.m., accused demanded money from him. When defacto-complainant told them that he had no money, one of the accused had forcibly taken Rs.500/- from his shirt pocket. Accused Vignesh shown knife and tried to attack him. The accused Deena had also tried to attack him with knife. Then, accused had intimidated everyone by showing knife. The petitioner has eleven previous cases pending against him and thus he strongly opposed this petition.



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4.In reply, the learned counsel for the petitioner submitted that, only because of the previous cases pending against the petitioner, this case is falsely foisted against him. Thus, he seeks bail.

5.Considered the rival submissions and perused the records.

6.Considering the nature of the allegations made against the petitioner and the petitioner is in judicial custody from 29.07.2023 and that material part of investigation in this case might have been completed by this time, this Court is inclined to grant bail to the petitioner with conditions.

7. 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 Judicial Magistrate No.23, Saidapet, Chennai**, and on further conditions that :-



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[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 stay at Nagercoil and report before the Inspector of Police, Nagercoil Town Police Station daily at morning 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].

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

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Sma/Apd



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To

- 1.The Judicial Magistrate No.23,
Saidapet,
Chennai.
- 2.The Inspector of Police,
R-5,Virugambakkam Police Station,
Chennai.
- 3.Central Prison,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

Sma/Apd

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