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Crl.OP.No.21108 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.OP.No.21108 of 2023

Chandiramohan @ Bilki

...Petitioner

Vs.

State rep. by
Inspector of Police,
Mayildathurai Police Station,
Mayildathurai District.
(Crime No.478 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No. 478 of 2023 on the file of the Inspector of Police, Mayildathurai Police Station, Mayildathurai District.

For Petitioner : Mr. R.Venkatesan

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)



Crl.OP.No.21108 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.07.2023 for the offence punishable under Section 294(b), 307, 506(ii) IPC and Section 25(1a)(b) of the Arms Act, 1959 in Crime No.478 of 2023 on the file of the respondent police, seeks bail.

2. It is stated that the petitioner waylaid the defacto complainant and attempted to commit robbery. During the course of such attempt, he had shown the knife and threatened the defacto complainant. Hence the complaint was registered as against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 10.07.2023. Hence, he seeks for grant of bail to the petitioner.



Crl.OP.No.21108 of 2023

WEB COPY

4.The learned Government Advocate (Crl.Side) would submit that there are 13 previous case against the petitioner. Hence, he opposed for grant of bail to the petitioner.

5. Considering the above facts and circumstances of the case and the period of incarceration by the petitioner from 10.07.2023, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. 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 – I, Mayiladuthurai, 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.



CrI.OP.No.21108 of 2023

[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].

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

03.10.2023

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Crl.OP.No.21108 of 2023

WEB COPY

To

- 1.Judicial Magistrate-I,
Mayildathurai
- 2.District Jail,
Nagapattinam
- 3.The Public Prosecutor,
High Court of Madras



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Crl.OP.No.21108 of 2023

C.V.KARTHIKEYAN. J.

Smv

Crl.OP.No.21108 of 2023

03.10.2023