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CrI.OP.No.21112 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.21112 of 2023

Basha

...Petitioner

Vs.

The State Rep by
Inspector of Police,
K-2, Ayyanavaram Police Station,
Chennai.
(Crime No.257 of 2023)
...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with the case in
Crime No.257 of 2023 pending investigation on the file of the respondent
Police.

For Petitioner : M/s.Sushanth Malligeswaran

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner , who was arrested and remanded to judicial custody on 18.07.2023 for the offences punishable under Sections 341, 294(b), 323, 336, 397, 506(2) of IPC in Crime No.257 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is implicated as an accused in this case registered in Crime No.257 of 2023 for the offences under Sections 341, 294(b), 323, 336, 397, 506(2) of IPC, only for the purpose of keeping the petitioner behind the bar. The allegation made in the FIR and the allegations made in the previous cases are identical. One such case registered by the respondent police against the petitioner had taken on file in C.C.No.6493 of 2019 by the Vth Metropolitan Magistrate, Egmore and that case was ended in acquittal. Petitioner is in judicial custody from 18.07.2023. Thus, he prays for grant of bail.



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3. Learned Additional Prosecutor opposes this petition, on the ground that, petitioner has involved in eight criminal cases. Out of which, three cases ended in acquittal, four cases are pending investigation and one case is pending for trial.

4. This Court finds from the list of cases registered against the petitioner that, almost all the cases are registered under identical provisions. The case concerned in this case was registered for the offences under Sections 341, 294(b), 323, 336, 397, 506(2) of IPC alleging that, on 18.07.2023 at about 10.00.am., petitioner had threatened the defacto complainant by demanding money and also robbed a sum of Rs.500 at knife point.

5. Considering the submission of the learned counsel for the petitioner that, petitioner is implicated in these kind of cases repeatedly with a view to keep him behind the bar and also considering the duration of the custody of the petitioner ie., from 18.07.2023 and that substantial part of the investigation might have been over by this time, this Court is



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inclined to grant bail to the petitioner.

5. 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 Vth Metropolitan Magistrate Court at Egmore** 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 10.00.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.

14.09.2023

Sma

To

1. Vth Metropolitan Magistrate Court at Egmore
2. Inspector of Police,
K-2, Ayyanavaram Police Station,
Chennai.
3. Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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