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CrI.OP.No.21213 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2023

CORAM

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

CrI.OP.No.21213 of 2023

Thirupathi

S/o.Murugesan

...Petitioner

Vs.

The State rep.by,
The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.
Crime No.376 of 2016.

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.376 of 2023, on the
file of the respondent police.

For Petitioner : M/s.D.Jagadeesan
For Respondent : Mr.R. Kishore Kumar
Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 24.05.2023, for the offences punishable under Sections 394 & 397
IPC, in Crime No.376 of 2016, on the file of the respondent police, seeks
bail.



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2.The learned counsel for the petitioner submitted that there are six previous cases against the petitioner herein. In all of them, he had obtained bail. He is in custody in Crime No.56 of 2023 and in the present case, was remanded on prisoner in transit warrant. He further submitted that petitioner is in custody for substantial period of time and prays for grant of bail to the petitioner.

3.The learned Government Advocate (Crl.Side) opposed this petition and stated that the petitioner had stolen Rs.40,000/- from the petrol bunk. He had been secured and taken into custody at Central Jail, Chitoor, Andhrapradesh. It is also stated that trial in P.R.C.No.09/2018 could not progress. Thus, he opposed the grant of bail to the petitioner.

4.Taking into consideration the facts and circumstances of the case and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions. Accordingly, the petitioner is ordered to be released on bail on he executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a



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like sum to the satisfaction of the **learned Judicial Magistrate, Uthangarai, Krishnagiri**, 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 Judicial Magistrate, Uthangarai, Krishnagiri, everyday Morning 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.

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To

1. The Judicial Magistrate, Uthangarai, Krishnagiri.
2. The Central Prison, Chittoor Jail, Andhrapradesh.
3. The Public Prosecutor,
High Court of Madras.
4. The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.
Crime No.376 of 2016.



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C.V.KARTHIKEYAN. J.

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