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CrI.OP.No.21479 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

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THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.21479 of 2023

V.Raja

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Sholovaram Police Station,
Tiruvallur District.
(Crime No.664 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.664 of 2023 on the file of respondent Police.

For Petitioner : Mr.P.Vignesh

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.08.2023 for the offences punishable under Sections 341, 294(b), 392, 397, 506(ii) of IPC in Crime No.664 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is an innocent and he is falsely implicated in a case registered in Crime No.664 of 2023 for the offences under Sections 341, 294(b), 392, 397, 506(ii) of IPC. Petitioner is in judicial custody from 21.08.2023. Thus, this petition is filed seeking bail.

3.In response, the learned Additional Public Prosecutor submitted that, defacto complainant was doing cotton candy business in his push cart. On 21.08.2023 at about 09.00.a.m., during the course of the business, under the flyover bridge at Gandhi Nagar, five persons way laid the defacto complainant and by showing a knife, asked him to pay money. When defacto complainant told them, that he had no money, accused Raja has taken a sum of Rs.4,000/- from his shirt pocket. They



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also made life threat by showing a knife. He further submitted that, apart from this case, there are three previous cases pending against the petitioner.

4. Considering the nature of allegations made in the FIR and the fact that, petitioner is in Judicial Custody from 21.08.2023 and that, material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on their 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 II, Ponneri** 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.



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[b] the petitioner shall report before the respondent Police twice daily at 10.00.a.m., and 05.00.p.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.

19.09.2023

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To

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1. Judicial Magistrate II, Ponneri.
2. The Inspector of Police,
Sholovaram Police Station,
Tiruvallur District.
3. Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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