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CrI.OP.No.22268 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2023

CORAM

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

CrI.OP.No.22268 of 2023

Devanathan
S/o.Thayalan

...Petitioner/A5

Vs.

State rep. by
The Inspector of Police,
Auroville Police Station,
Villupuram District.
(Crime No.307 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.307 of 2023
pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Anandharaj

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.08.2023 for the offence punishable under Sections 294(b), 307, 353, 399 and 506(ii) of IPC in Crime No.307 of 2023 on the file of the respondent police, seeks bail.

2.It is stated by the learned counsel for the petitioner that two crime numbers have been registered on the same day in Crime No.306 of 2023 and in Crime No.307 of 2023 against the petitioner herein.

3.It is however stated on behalf of the respondent that the petitioner along with other accused persons had made preparation to commit dacoity and they had tried to attack the defacto complainant. It is also stated that with respect to offence in Crime No.306 of 2023, the petitioner had been granted bail by a learned Single Judge of this Court in CrI.O.P.No.22127 of 2023 dated 26.09.2023.



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4. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner subject to the following conditions.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Vanur, 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 10.30.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.



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[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.

06.10.2023

smv

To

1.The Judicial Magistrate, Vanur, Villupuram District.

2.District Prison,
Villupuram.

3.The Public Prosecutor,
High Court of Madras

C.V.KARTHIKEYAN. J.



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