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CrI.OP.No.23158 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2023

CORAM

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

CrI.OP.No.23158 of 2023

S.Suman
S/o.Suresh

...Petitioner

Vs.

State represented by its
Inspector of Police,
Sevvapet Police Station,
Avadi, Tiruvallur District.
(Crime No.437 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail relating to Crime No. 437 of 2023 on the file of the respondent police.

For Petitioner : Mr.A.Samson

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.08.2023, for the offences punishable under Section 395 of IPC, in Crime No.437 of 2023, on the file of the respondent police, seeks bail.



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2.The learned counsel for the petitioner submitted that there are totally eight accused in this case and the petitioner is arrayed as accused No.4. It is alleged that all of them joined together and robbed a sum of Rs.5,00,000/- (Rupees Five Lakhs only) and 1 Kg and 100 grams of gold from the defacto complainant. He further submitted that the petitioner is innocent and he has been falsely implicated in this case. Thus, he prays to grant bail for the petitioner.

3.The learned Government Advocate (Criminal Side) submitted that the property had been recovered and the petitioner has been in judicial custody from 23.08.2023.

4.Taking into consideration the long period of incarceration and the fact that the property had been recovered, 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 he executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand



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only) with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Tiruvallur** 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 everyday 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 petitioners released on bail by the learned Magistrate/Trial



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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.

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To

1.The Judicial Magistrate No.II,
Tiruvallur.

2.The Central Prison,
Puzhal 2.

3.The Public Prosecutor,
High Court of Madras.

4.The Inspector of Police,
Sevvapet Police Station,
Avadi, Tiruvallur District.
(Crime No.437 of 2023).



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C.V.KARTHIKEYAN. J.

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