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Crl.OP.No.23739 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2023

CORAM

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

Crl.OP.No.23739 of 2023

Naveen

...Petitioner/Accused No.8

Vs.

State represented by
The Inspector of police,
Sevvapet Police Station,
Avadi City.
(Crime No.437 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.437 of 2023 on the file of respondent Police.

For Petitioner : Mr.R.Sasikumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.08.2023 for the offence 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.It is stated the petitioner along with other accused waylaid the defacto complainant who was doing gold business and assaulted him with knife point. It is further stated that they robbed 1.100 grams of gold and Rs.5 lakhs of cash.

3.It is also stated that the co-accused in this case had been granted bail by this Court in CrI.O.P.No.23158 of 2023 on 09.10.2023. The property had been recovered.

4.Taking into consideration all these facts and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

5.Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 No.II, Thiruvallur, 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 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.

[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.

13.10.2023

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To

1.The Judicial Magistrate No.II, Thiruvallur.

2.Central Prison, Puzhal.



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3.The Inspector of Police,
Sevvapet Police Station,
Avadi City.

4.The Public Prosecutor,
High Court of Madras.

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