



Crl.OP.No.23471 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2023

CORAM

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

Crl.OP.No.23471 of 2023

Karan @ Karan Kumar

...Petitioner

Vs.

State rep.by,
The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.
Crime No.312 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.312 of 2023, on the file of the respondent police.

For Petitioner : Mr.P.Surendran

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.09.2023, for the offences punishable under Section 392 IPC, in Crime No.312 of 2023, on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that on 06.09.2023, at around 08.30 p.m., three unknown persons came in a two wheeler and robbed the mobile phone of the defacto complainant and escaped. Thus, a case was registered and the petitioner herein was arrested and remanded to judicial custody.

3.It is stated by the learned counsel for the petitioner that the petitioner is an innocent person and he has been falsely implicated in this case. Petitioner is in custody from 07.09.2023. Thus, he prayed for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) submitted that after investigation, a final report has been filed by the respondent and taken cognizance in C.C.No.2785 of 2023 before the learned XVII Metropolitan Magistrate, Saidapet, Chennai. Thus, he prayed for dismissal of this petition.

5.Taking into consideration all the facts and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail



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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 like sum to the satisfaction of **the XVII Metropolitan Magistrate at Saidapet, Chennai** 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 XVII Metropolitan Magistrate at Saidapet, Chennai, 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



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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.

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To

- 1.The XVII Metropolitan Magistrate, Saidapet, Chennai.
- 2.The Central Prison-II, Puzhal, Chennai.
- 3.The Public Prosecutor,
High Court of Madras.
- 4.The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.
(Crime No.312 of 2023)



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