



Crl.OP.No.23445 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2023

CORAM

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

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Kumara @ Kumaresan

...Petitioner

Vs.

State rep.by,
The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.

(Crime No.533 of 2023)

...Respondent

(Respondent address is amended as
per the memo filed by the petitioner in Court)

PRAYER: Criminal Original Petition is filed under Section 439 of
Cr.P.C. praying to enlarge the petitioners on bail in Crime No.533 of
2023, on the file of the respondent police.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.R. Kishore Kumar

Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 26.08.2023, for the offences punishable under Sections 341, 294(b),
323, 336, 427, 392, 397, 506(2) IPC, in Crime No.533 of 2023, on the
file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that petitioner



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neither involved in robbery nor knows the person, who made the complaint. He further submitted that it was a story of the respondent in order to detain the petitioner and stated that petitioner has been falsely implicated in this case. Thus, he prays for grant of bail to the petitioner.

3.The learned Government Advocate (Crl.Side) submitted that, on 26.08.2023, at around 07.45a.m., petitioner had robbed the defacto complainant at knife point, a sum of Rs.600/- (Rupees six hundred only). It is also stated that there are twenty previous cases as against the petitioner herein. Thus, he prayed for dismissal of this petition.

4.However, taking into consideration, the period of incarceration suffered by the petitioner and the nature of the offences, this Court is inclined to grant bail 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 Metropolitan Magistrate, George Town, Chennai** and on further



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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 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 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].



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[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 229A IPC.

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To

- 1.The Metropolitan Magistrate, George Town, Chennai
- 2.The Central Prison, Puzhal, Chennai.
- 3.The Public Prosecutor,
High Court of Madras.
- 4.The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.
(Crime No.533 of 2023)



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C.V.KARTHIKEYAN. J.

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