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CrI.OP.No.23434 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2023

CORAM

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

CrI.OP.No.23434 of 2023

Selva @ Selvakumar
S/o.Rajendran

...Petitioner

Vs.

State rep.by,
The Inspector of Police,
R-4, Soundarapandiayanar angadi Police Station,
Chennai.
Crime No.80 of 2023.

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.80 of 2023, on the
file of the respondent police.

For Petitioner : M/s.P.Surendran
For Respondent : Mr.R. Kishore Kumar
Government Advocate (Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 25.08.2023 for the offences punishable under Section 397 IPC, in
Crime No.80 of 2023, on the file of the respondent police, seeks bail.



Crl.OP.No.23434 of 2023

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2.The learned counsel for the petitioner submitted that petitioner is no way connected with the alleged offence and has been falsely implicated in this case. Thus, he prays for grant of bail to the petitioner.

3.It is stated by the learned Government Advocate (Crl.Side) that all the three accused in this case had joined together and robbed the mobile phone of the defacto complainant and escaped from the scene of occurrence. Therefore, a case was registered against the accused and the petitioner herein was taken into custody on 25.08.2023. It is also stated that one of the accused had been granted bail. Thus, he opposed the grant of bail to the petitioner.

4.Taking into consideration, the period of incarceration and that one of the accused had been granted bail, 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 **learned XVII Metropolitan**



CrI.OP.No.23434 of 2023

Magistrate, 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 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].



CrI.OP.No.23434 of 2023

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

11.10.2023

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To

1. 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,
R-4, Soundarapandiayanar angadi Police Station,
Chennai.
Crime No.80 of 2023.



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Crl.OP.No.23434 of 2023

C.V.KARTHIKEYAN. J.

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Crl.OP.No.23434 of 2023

11.10.2023