



WEB COPY



Crl.O.P.No. 24231 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

CORAM

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

Crl.O.P.No.24231 of 2023

Durairaj

... Petitioner

Vs.

The State rep by
The Sub Inspector of Police,
Thiruchengode Town Police Station,
Namakkal District.
Crime No.276 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner / Accused on bail in Crime No.276 2023
pending on the file of the respondent Police.

For Petitioner : Mr.M.Palanivel

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 23.09.2023 for the offences under Sections 457, 380 r/w 511, 120B, 109
of IPC, in Crime No.276 of 2023, seeks bail.



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2.It is the case of the respondent that an alarm went off in a Panchayat Office, when it was about to be broken open and thereafter all the people came there and found that the accused attempted to commit the theft.

3.The allegations against the petitioner as stated earlier by the learned Government Advocate for the respondent was that he had transferred money to the petrol bunk where a white colour car had stopped.

4.It is now stated that it was not the petitioner who is the accused and this has been revealed by the subsequent investigation.

5.I must place on record my appreciations for coming out with correct facts by the learned Government Advocate for the respondent.

6.In view of that particular fact into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

7.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, Thiruchengode, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate



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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 as and when required for interrogation;

[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.

09.11.2023

vkr

To

1. The Judicial Magistrate, Thiruchengode.
2. The Sub Inspector of Police,
Thiruchengode Town Police Station,
Namakkal District.



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C.V.KARTHIKEYAN, J.

vkf

3. The Central Prison, Salem.

4. The Public Prosecutor, High Court of Madras.

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