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CRL.O.P.No.24830 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.10.2023

CORAM :

THE HON'BLE MRS. JUSTICE **R. KALAIMATHI**

CRL.O.P.No.24830 of 2023

Senapathi

... Petitioner/Accused 2

Vs.

State rep. by
The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
(Crime No.686 of 2023)

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioner on bail in Crime No.686 of 2023 on the file of the respondent police.

For Petitioner : Mr.Jawahar

For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.08.2023 for the offences punishable under Section 399 of IPC in Crime No.686 of 2023, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were found in preparing to commit dacoity near Vilakudi TASMAL. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the petitioner has been in judicial custody for more than 55 days. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) for the respondent police would submit that the petitioner along with other accused have engaged in discussions about committing dacoity. He would further submit that there are three previous cases pending against the petitioner herein.



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Hence, he vehemently opposed to grant bail to the petitioner herein.

5. Heard the learned Counsel on either side and perused the materials placed on record.

6. Taking into consideration the facts and circumstances and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) 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, Thiruthuraipoondi**, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) **the petitioner, on his release from the prison, shall report before the respondent Police everyday at 10.30 a.m., until further orders.**

(d) the petitioner shall not commit any offences of similar nature;



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(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

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To

1. The Judicial Magistrate,
Thiruthuraipoondi.
2. The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
3. The Jailer,
Central Prison, Trichy.
4. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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R. KALAIMATHI, J.

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