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Crl.O.P.No. 25339 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.25339 of 2023

Gowrishankar

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Kumarapalayam Police Station,
Namakkal District.
Crime No.406 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner / Accused on bail pending trial in C.C.No.29
of 2023 on the file of the Judicial Magistrate, Kumarapalayam, arising out of
Crime No.406 of 2022 on the file of the respondent Police.

For Petitioner : Mr.A.M.Rahamath Ali

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

ORDER

The petitioner/A4 in C.C.No.29 of 2023 now pending before the
learned Judicial Magistrate, Kumarapalayam, seeks bail.



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2.Originally, crime No.406 of 2022 had been registered by the respondent Police for the offence under Section 379 of IPC.

3.It is the case of the prosecution that on 11.11.2022, the defacto complainant had filed a complaint that his tractor with trailer had been stolen. The respondent had completed the investigation and filed the final report and the petitioner was shown as an absconding accused. Later, the petitioner was remanded to custody on 24.04.2023.

4.The matter had come up earlier for consideration and this Court had adjourned it, since it was represented that the vehicle could not be secured.

5.Today, it has been informed that the vehicle has been secured and the other accused had also been taken into custody and moreover, since the calender case is now posted for framing of charges, this Court is inclined to grant bail to the petitioner with certain conditions.

6.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, Kumarapalayam, and on further conditions that:



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[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 Judicial Magistrate, Kumarapalayam, on every Monday at 10.30 a.m., until further orders apart from the Court hearing dates except for unforeseen circumstances;

[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.

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C.V.KARTHIKEYAN, J.

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To

1. The Judicial Magistrate, Kumarapalayam.
2. The Inspector of Police,
Kumarapalayam Police Station,
Namakkal District.
3. The District Jail, Chittoor.
4. The Public Prosecutor, High Court of Madras.

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