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Crl.O.P.No. 25727 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.25727 of 2023

P.Raman

... Petitioner

Vs.

The Inspector of Police,
Mechery Police Station,
Mechery, Salem District.
Crime No.558 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.558 2023
pending on the file of the respondent Police.

For Petitioner : Mr.R.Prabudoss

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

ORDER

The petitioner/A3, who was arrested and remanded to judicial
custody on 10.10.2023 for the offences under Section 393 of IPC and later,
altered to Section 398 of IPC, in Crime No.558 of 2023, seeks bail.



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2.The case of the prosecution is that on 09.10.2023, when the defacto complainant was in the kitchen and her husband in the front of the house, four persons came and tried to commit robbery by tying them. But they did not find any cash in the house and they ran away from the house.

3.On perusing the CCTV footages, the accused were identified.

4.The learned counsel for the petitioner stated that the petitioner was only the driver of the car and he did not commit any offence and he did not know the other accused.

5.It is stated by the learned Government Advocate that one of the accused is still absconding.

6.However, taking all the factors into consideration and they did not cause any injury to the defacto complainant or her husband, 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 No.II, Mettur, Salem District, 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 respondent Police everyday 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].

[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 No.II, Mettur, Salem.
2. The Inspector of Police,
Mechery Police Station,
Mechery, Salem District.
3. The Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras.

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