



Crl.O.P.No.25735 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.25735 of 2023

Suriya @ Pottu Surya

... Petitioner/Accused-2

Vs.

State by
The Inspector of Police,
K4, Anna Nagar Police Station,
Chennai.

(Crime No.308 of 2023)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner on bail concerned in Crime No.308 of
2023 on the file of the respondent police with terms and conditions.

For Petitioner : Mr.S.Dhilipan

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



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ORDER

The petitioner seeks bail in Crime No.308 of 2023, originally registered under Section 392 of IPC and subsequently altered to Sections 457, 380 & 392 of IPC. He had been taken into custody on 21.09.2023.

2.It is the case of the prosecution that on 13.09.2023, the three accused persons had entered into the house of the defacto complainant and had stolen 7 ½ sovereigns of gold jewellery and cash of Rs.1,40,000/-.

3.It is stated that A1 had been detained under Act 14 of 1982 and A3 is also taken into custody.

4.The learned counsel for the petitioner states that the petitioner has been in custody for a period of 50 days and there is one previous case pending against the petitioner.

5.It is also stated that 6 ½ sovereigns of gold jewellery had been recovered from the accused.

6.Taking into consideration all these facts, I am inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on



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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 V Metropolitan Magistrate, Egmore, 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., Afternoon at 2.00 p.m., and Evening at 6.00 p.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 V Metropolitan Magistrate, Egmore, Chennai.
2. Central Prison-II, Puzhal.
3. The Inspector of Police,
K4, Anna Nagar Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.

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