



Crl.O.P.Nos.25910, 26055 & 26131 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2023

CORAM

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

Crl.OP.Nos.25910, 26055 and 26131 of 2023

Sivanesan S/o. Perinbam

...Petitioner/Accused-4 in
Crl.O.P.No.25910 of 2023

Praveenkumar S/o. Subbaiyan

...Petitioner/Accused-1 in
Crl.O.P.No.26055 of 2023

1.Rajesh S/o. Baskar

2.Karthik Raja S/o. Pandiyan

...Petitioners/Accused 2 & 3
in Crl.O.P.No.26131 of 2023

Vs.

The Inspector of Police,
Muthupettai Police Station,
Tiruvarur District.
(Crime No.529 of 2023)

...Respondent
in all Crl.O.P's.

Common prayer:

Criminal Original Petitions filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.529 of 2023 on the file of the Inspector of Police, Muthupettai Police Station, Tiruvarur District on such terms and conditions.



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(In Crl.O.P.No.25910 of 2023)

For Petitioner : Mr.N.Palanivel

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

(In Crl.O.P.No.26055 of 2023)

For Petitioner : Mr.P.Muthamizhselvakumar

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

(In Crl.O.P.No.26131 of 2023)

For Petitioners : Mr.Swamisubramanian

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

COMMON ORDER

A1 has filed Crl.O.P.No.26055 of 2023, A2 and A3 have filed Crl.O.P.No.26131 of 2023 and A4 has filed Crl.O.P.No.25910 of 2023. All in Crime No.529 of 2023, registered by the respondent police for the offences punishable under Sections 458, 393 and 398 of IPC. They have all been taken into custody on 23.10.2023.



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2.It is the case of the prosecution that all the four accused, had entered into the house of the defacto complainant through back door with intention to commit robbery and had restrained one person and also the daughter-in-law of the defacto complainant and on hearing the voice, the defacto complainant rushed into the room and on seeing him, the accused ran away from the place. They appear to be first time offenders.

3. It is however stated that no weapons had been seized from any of the accused.

4.Taking all these factors into consideration and the period of detention and the fact that there is no previous case pending against the petitioners herein and that they actually did not commit harm, I am inclined to grant bail to the petitioners subject to the following conditions:

5. Accordingly, the petitioners in all the petitions are ordered to be



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released on bail on their executing separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Tiruthuraipoondi, and on further conditions that;

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday Morning at 10.30 a.m., Afternoon at 2.30 p.m., and Evening 5.30 p.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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



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of Kerala [(2005)AIR SCW 5560].

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

22.11.2023

rjr/ata



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C.V.KARTHIKEYAN. J.

rjr

To

- 1.The Judicial Magistrate, Tiruthuraipoondi.
- 2.District Prison, Thiruvarur.
- 3.Sub Jail, Thiruthuraipoondi.
- 4.The Inspector of Police,
Muthupettai Police Station,
Tiruvarur District.
- 5.The Public Prosecutor,
High Court of Madras.

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