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CrI.OP.No.26868 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

CORAM

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

CrI.OP.No.26868 of 2023

Naresh Kumar

...Petitioner

Vs.

State represented by,
The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.
Crime No.509 of 2023.

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in FIR in Crime No.509 of 2023
on the file of the respondent police.

For Petitioner : Mr.G.Ezhil Balaji

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

ORDER



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The petitioner/accused, who was arrested and remanded to judicial custody on 08.11.2023 for the offence punishable under Sections 294(b), 323, 324, 397 and 506(ii) IPC in Crime No.509 of 2023, on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner stated that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner had been remanded to custody on 08.11.2023. He further stated that the petitioner is ready to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

3. The learned Government Advocate (Criminal side) stated that when the defacto complainant was selling vegetables, the petitioner assaulted the defacto complainant with hands and snatched a sum of Rs.350/- at knife point. There are eleven previous cases as against the petitioner. Thus, he prays for dismissal of this petition.

4. Taking into consideration all the factors, this Court is inclined to



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grant bail to the petitioner subject to the following conditions.

5. 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 **XV Metropolitan Magistrate, George Town, 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 at 10.00 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



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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.

27.11.2023

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To

1. The XV Metropolitan Magistrate, George Town, Chennai
2. The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.
3. Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
Madras High Court.



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C.V.KARTHIKEYAN, J.

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