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Crl.O.P.No.27303of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

CORAM

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

Crl.O.P.No.27303 of 2023

Kalaiselvan S/o. Govindharaj

... Petitioner/A5

Vs.

The State represented by
The Station House Officer (S.H.O)
Neyveli Thermal Police Station,
Cuddalore District.
(Crime No.237 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.237 of 2023 on the file
of the respondent.

For Petitioner : Mr. D.Lakshmipathy

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



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Crl.O.P.No.27303of 2023

ORDER

The petitioner/A5, who was arrested and remanded to judicial custody on 06.11.2023 for the offences punishable under Section 399 of IPC r/w Section 25(1)(a) and 25(1-A) of Arms Act, 1959, in Crime No.237 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused were sitting in a park and make preparation to commit dacoity.

3.It had been stated that A1, A4 and A6 had been granted bail. There are six previous cases against the petitioner herein but taking into consideration the period of incarceration and all other aspects, I am inclined to grant bail to the petitioner subject to the following conditions:

4.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 District Munsif cum Judicial Magistrate, Neyveli, 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.



CrI.O.P.No.27303of 2023

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[b] the petitioner shall appear before the respondent police daily 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.

01.12.2023

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C.V.KARTHIKEYAN, J.

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To

- 1.The District Munsif cum Judicial Magistrate Court, Neyveli.
- 2.The Station House Officer (S.H.O)
Neyveli Thermal Police Station,
Cuddalore District.
3. The Central Prison, Cuddalore
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.27303 of 2023

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