



Crl.O.P.No.27391 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

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

Crl.O.P.No.27391 of 2023

Sakthivel

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
R-9, Valasaravakkam Police Station,
Valasaravakkam.
(Crime No.2826 of 1993)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.2826 of
1993 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.Selvakumar

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



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ORDER

Petitioner is A4 in P.R.C.No.32 of 2023 pending before the learned Judicial Magistrate No.I, Poonamallee. Originally crime No.2826 of 1993 had been registered under Sections 394, 450, 461 and 397 of I.P.C. The petitioner had been taken into custody on 14.10.2023.

2.The case of the prosecution is that on 06.10.2023, while the de-facto complainant was watching T.V., unknown persons entered a house and broke the bureau and stole money and jewels. Hence, the complaint.

3. It is stated that subsequently A1 and A2 had died and A3 had been taken into custody and the petitioner herein had moved a bail application before the learned Principal Sessions Judge, Thiruvallur in CrI.M.P.No.5449 of 2023 and the same was dismissed on 21.11.2023.

3.Taking into consideration the facts and circumstances of the case, I am inclined to grant bail to the petitioner subject to the following conditions:



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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, for a like sum to the satisfaction of the Judicial Magistrate No.1, Poonamallee, 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 learned Judicial Magistrate No.1, Poonamallee on everyday at 10.30 a.m., with respect to P.R.C.No.32 of 2023 till the date of the committal and thereafter, again before the learned Sessions Court on daily at 10.30a.m., till the completion of the trial.

[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



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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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To

1. The Judicial Magistrate No.I, Poonamallee.
2. The Central Prison, Puzhal.
3. The Inspector of Police,
R-9, Valasarawakkam Police Station,
Valasaravakkam.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN,J.,



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