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Crl.O.P.No.27572 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM

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

Crl.O.P.No.27572 of 2023

Prathap S/o. Kumar

... Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
Vadapathimangalam Police Station,
Thiruvarur District.

(Crime No.370 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.370 of 2023 on the file
of the respondent police on such terms and conditions.

For Petitioner : Mr.Swamisubramanian

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



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ORDER

The petitioner seeks bail in Crime No.370 of 2023, registered by the respondent police for the offences punishable under Sections 294(b), 506(ii) and 397 of IPC. The petitioner had been remanded to custody on 05.11.2023.

2.It is the case of the prosecution that when the defacto complainant was going back home, the petitioner had waylaid him and had threatened him and robbed a sum of Rs.500/-.

3.It is stated that there are two previous cases against the petitioner herein including under Section 302 of IPC but however, taking into consideration the period of incarceration, 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 fresh sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Mannargudi, Thiruvarur District, and on further conditions that: -



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[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 10.30 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.

07.12.2023

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C.V.KARTHIKEYAN, J.
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To

1. The Judicial Magistrate No.II, Mannargudi, Thiruvarur District.
- 2.The Inspector of Police,
Vadapathimangalam Police Station,
Thiruvarur District.
- 3.The Sub-jail, Mannargudi.
4. The Public Prosecutor,
High Court of Madras.

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