



Crl.O.P.No.27730 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

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

Crl.OP.No.27730 of 2023

Nirmal Kumar

...Petitioner

Vs.

State, represented by,
The Inspector of Police,
Baluchetty Chatram Police Station,
Kancheepuram District.
(Crime No.712 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.712 of 2023 on the file of the respondent police.

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

ORDER

The petitioner in Crime No.712 of 2023 registered by the respondent Police for the offences under Sections 294 (b), 353, 399, 307 IPC r/w Sections 9 (B) (1)(b) of Indian Explosive Substance Act, 1884 and Section 8 (c), 20(b) (ii) (a) NDPS Act, 1985 and remanded to judicial custody on 20.10.2023 under prisoner in transit warrant seeks bail.



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2.It is the case of the prosecution that on 17.09.2023, when the respondent were conducting inspection of vehicles at Kandalam Junction, two motor vehicles had come in triples and when they tried to stop them, some of the accused persons had run away. The petitioner herein is one of those who ran away. From the other accused, it was found that they were planning to commit dacoity and 300grams of Ganja was also seized.

3.The learned counsel for the petitioner stated that practically all the accused except this petitioner/A7 and A2, all other accused had been granted bail by the Principal Sessions Court, Kancheepuram. So far as this petitioner is concerned, there are previous cases against the petitioner herein including Section 302 IPC.

4.But, however, taking the period of incarceration suffered by the petitioner into consideration and all the other surrounding factors, I am inclined to 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**



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Thousand only) with two sureties each for a like sum to the satisfaction of the **District and Sessions Court-2, Kancheepuram** 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 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 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].



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

11.12.2023

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To

1. The District and Sessions Court No.2, Kancheepuram.
- 2.The Inspector of Police,
Baluchetty Chatram Police Station,
Kancheepuram District.
(Crime No.712 of 2023)
- 3.The Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor, Madras High Court.



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C.V.KARTHIKEYAN, J.

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