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Crl.O.P.No.28635 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

CORAM

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

Crl.O.P.No.28635 of 2023

Kamaleesh S/o. Sankar

... Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
H-3, Thondiarpet Police Station,
Chennai.

(Crime No.254 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.254 of 2023 on the file
of the respondent.

For Petitioner : Mr.K.Vignesh

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.10.2023 for the offences originally registered under Section 394 of IPC and subsequently, altered to Sections 395, 397 and 506(ii) of IPC, in Crime No.254 of 2023, seeks bail.

2.They were totally 5 accused. It is stated that when the defacto complainant came home late in the night with Rs.8 lakhs in cash, the accused had knowledge of the same and dashed against him and in the guise of helping him, snatched away the sum of Rs.8 lakhs.

3.The learned counsel for the petitioner stated that the petitioner was taken into custody, on the basis of confession of the other accused.

4.The learned Government Advocate stated that out of a sum of Rs.8 lakhs, only about Rs.1,00,000/- has been recovered. There is one previous case registered under Section 302 of IPC against the petitioner.



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5.The earlier application seeking bail in Crl.O.P.No.27285 of 2023 was dismissed on 01.12.2023. The one change in circumstance is that investigation has been completed and it is stated that final report is ready and would be shortly filed before the Court.

6.Taking that factor into consideration and 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 two sureties, each for a like sum to the satisfaction of the XV Metropolitan Magistrate Court, George Town, 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 10.30 a.m., until further orders.



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[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.

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To

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



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C.V.KARTHIKEYAN, J.

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