



Crl.O.P.No.28567 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM

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

Crl.OP.No.28567 of 2023

Nesamani

...Petitioner

Vs.

State rep.by
The Inspector of Police,
R-10, M.G.R. Nagar Police Station,
T.Nagar, Chennai District.
(Crime No.439 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.439 of 2023 on the file of the respondent police.

For Petitioner : Mr.Mohammed Aasif

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

ORDER

The petitioner in Crime No.439 of 2023 registered by the respondent Police for the offences under Sections 342, 294 (b), 323, 397 & 506 (ii) IPC and remanded to judicial custody on 27.11.2023 seeks bail.



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2.It is the case of the prosecution that all the seven accused had entered into the house of the defacto complainant and threatened the defacto complainant to transfer Rs.1,000/- through online transaction. Thereafter, it is stated that they had also taken alcohol there and had taken away Television and other articles.

3.This Court had considered the bail application of the co-accused in Crl.O.P.No.28360 of 2023 and by an order dated 19.12.2023 bail had been granted.

4.Taking all the factors into consideration and the period of incarceration, this Court is 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 Thousand only)** with two sureties each for a like sum to the satisfaction of the **XXIII Metropolitan Magistrate Court, Saidapet, Chennai** and on further conditions that:

[a] the sureties shall affix their photographs and Left



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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, daily 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].

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

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21.12.2023



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C.V.KARTHIKEYAN, J.

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To

1. The XXIII Metropolitan Magistrate Court, Saidapet, Chennai.
- 2.The Inspector of Police,
R-10, MGR Nagar Police Station,
T.Nagar, Chennai District,
(Crime No.439 of 2023).
- 3.Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor, Madras High Court.

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