



Crl.OP.No.28855 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

CORAM

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

Crl.OP.No.28855 of 2023

Yogeshwaran @ Akash

...Petitioner

Vs.

The State represented by,
The Inspector of Police,
Marakkanam Police Station,
Viluppuram District.
Crime No.327 of 2023.

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.327 of 2023 on the file of the respondent police.

For Petitioner : Mr.D.Lakshmipathy

For Respondent : Mr.R.Kishore Kumar

Government Advocate (Criminal side)

ORDER

The petitioner is an accused in PRC No.27 of 2023 pending trial before the learned Judicial Magistrate II, Tindivanam. Originally, Crime No.327 of 2023 had been registered under Section 392 IPC and later altered to Section 395 IPC. The petitioner had been taken into custody on 19.08.2023.



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2.It is the case of the prosecution that on 05.07.2023, when the defacto complainant was travelling in a two wheeler, two known persons in a Pulsar bike, chased her and snatched the gold chain. She lodged a complaint. It was found that a car was also following the said two wheeler and overseeing the operation. The petitioner was in the car. It is stated that this incident happened in the highways. It was also deducted that same offence had been committed earlier.

3.Earlier application seeking bail came up for consideration on 24.11.2023 and was dismissed. One change in circumstances is that investigation has been proceeded to substantial extent. Further change in circumstances is that the PRC had been committed by the learned Magistrate to the Assistant Sessions Court, Tindivanam.

4.Taking into consideration that particular fact and also the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions.



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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 fresh sureties each for a like sum to the satisfaction of the **Judicial Magistrate No.II, Tindivanam**, 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 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].



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

22.12.2023

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To:

1. The Judicial Magistrate No.II, Tindivanam.

2.The Inspector of Police,
Marakkanam Police Station,
Viluppuram District.

3.Central Prison, Cuddalore.

4.The Public Prosecutor,
Madras High Court.

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