



Crl.O.P.no.29189 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.12.2023

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.No.29189 of 2023

1.Kumar @ Sithan
Son of Kannan

2.Ramalingam
Son of Madhu

... Petitioners

Vs

The Inspector of Police
Kolathur Police Station
Salem District

... Respondent

Petition filed under Sec.439 of Cr.P.C to enlarge the petitioners on bail in Crime No.402 of 2023 pending investigation on the file of the respondent police.

For Petitioners : Mr.C.Deepak Kumar

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 24.11.2023 for the offences under section 392 of IPC in Crime No. 402 of 2023 on the file of Kolathur Police Station, seek bail.

2.The learned counsel appearing for the petitioners would contend that the petitioners are in custody for more than 30 days and they have not committed any offence as alleged in FIR. He further submits that there are no previous cases against the petitioners. Hence, he prayed to grant bail to the petitioners.

3.The learned Additional Public Prosecutor appearing for the respondent police would contend that the petitioners snatched a sum Rs.750/- and a cell phone from the *defacto* complainant and the offences are grave in nature. If the petitioners released on bail, it will affect the investigation and thereby, she strongly opposed to grant bail to the petitioners.



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4. Heard both sides and perused the materials available on record including the First Information Report.

5. Considering the submissions made on either side, considering that the property was recovered and also considering the period of incarceration, this court is inclined to grant bail to the petitioners subject to the following conditions:

[a] Accordingly, the petitioners are 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 learned Judicial Magistrate No.1, Mettur and on further conditions that:

[b] the petitioners shall report before respondent police daily at 10.00 A.M., until further orders.

[c] the petitioners shall not commit any offences of similar nature.

[d] the petitioners shall not abscond either during investigation or trial.



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[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

28.12.2023

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
gpa/dpa



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TO

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1. Judicial Magistrate No.1
Mettur.
2. Central Prison
Salem
3. The Inspector of Police
Kolathur Police Station
Salem District
4. The Additional Public Prosecutor,
Madras High Court,
Chennai.



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