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Crl.O.P.No. 29038 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.29038 of 2023

1. M. Tamilmani
2. R. Prakash
3. Balachander
4. Siva
5. Sathish

... Petitioners

Vs.

The State rep by
The Inspector of Police,
Egmore Railways Police Station,
Chennai District
Crime No.231 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners / Accused on bail in Crime No.231 of 2023
pending on the file of the respondent Police.

For Petitioners : M/s.K. Murugan

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



CrI.O.P.No. 29038 of 2023

WEB COPY

ORDER

The petitioners who were arrested and remanded to judicial custody on 16.12.2023 for the offences punishable under **Sections 419, 395,397 of I.P.C in Crime No.231 of 2023** on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the petitioners impersonated themselves as police officials and committed theft of Rs.20,00,000/- from the defacto complainant. Hence the case.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the petitioners have been in judicial custody from 16.12.2023 and hence, he seeks for granting of bail to the petitioners.

4.The learned Additional Public Prosecutor for the respondent submitted that the petitioners impersonated themselves as police officials and committed theft of Rs.20,00,000/- from the defacto complainant. Hence, she opposed for grant of bail to the petitioners.



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CrI.O.P.No. 29038 of 2023

5.Heard both side and perused the materials available on record.

6.Considering the rival submissions made on either side and taking into consideration the period of incarceration undergone by the petitioners and considering that the amount was recovered and no previous cases are pending against the Accused, I am 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) each with two sureties each for a like sum to the satisfaction of the learned **Metropolitan Magistrate Court, No.XVI George Town** and on further conditions that:

[b] the petitioners shall report before the respondent police everyday at 10.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.

[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



CrI.O.P.No. 29038 of 2023

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

smn/shl

To

1. The **Metropolitan Magistrate Court, No,XVI George Town**
- 2.The Inspector of Police,
Egmore Railways Police Station,
Chennai District
4. The Central prison, Puzhal
5. The Public Prosecutor,
High Court of Madras.



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CrI.O.P.No. 29038 of 2023

P.DHANABAL, J.

smn/shl

CrI.O.P.No.29038 of 2023

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