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Crl.O.P.No.29107 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.29107 of 2023

Karthi @ Trousar Karthi
S/o.Paneerselvam

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Namakkal Police Station,
Namakkal District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.603 of 2023 on the
file of respondent police pending investigation.

For Petitioner : Mr.S.Vellidoss

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

ORDER

The petitioner seeks bail in Crime No.603 of 2023 on the file of
respondent police for the offences punishable under Section 392 IPC. The
petitioner was arrested and remanded to custody on 09.11.2023.



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2. The case of the prosecution is that the petitioner along with other accused snatched away seven sovereigns of gold chain from the *de facto* complainant.

3. Learned counsel for petitioner submits that the petitioner is arrayed as A2 in this case and he is the friend of A1. Learned counsel further submits that the stolen property was recovered from A1 and the petitioner is an innocent person and he has nothing to do with the alleged offence and he is languishing in jail for more than 46 days.

4. Learned Additional Public Prosecutor submits that the petitioner along with other accused snatched away seven sovereigns of gold chain from the *de facto* complainant. Learned Additional Public Prosecutor further submits that the petitioner has got two previous cases.

5. Considering the rival submissions on either side as also considering the fact that the stolen property was recovered from A1 and also considering the period of incarceration, I am inclined to grant bail to the petitioner, subject to certain conditions.



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6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 I, Namakkal 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 cards or Bank pass Books to ensure their identity;
- [b] the petitioner shall report before the Rasipuram Police Station everyday at 10.30 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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P.DHANABAL, J.

gm/rsi

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

28.12.2023

gm/rsi

To

- 1.The Judicial Magistrate I,
Namakkal.
- 2.The Central Prison,
Namakkal.
- 3.The Inspector of Police,
Namakkal Police Station,
Namakkal District.
- 4.The Public Prosecutor,
High Court of Madras.

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