



Crl.O.P.no.29061 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.29061 of 2023

Karna @ Kosu Karna

... Petitioner

Vs

State Rep. By
The Inspector of Police
H-6, R.K.Nagar Police Station
Chennai

... Respondent

Petition filed under Sec.439 of Cr.P.C to enlarge the petitioner on bail in Crime No.753 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Vincent

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



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ORDER

The petitioner/A2, who was arrested and remanded to judicial custody on 04.12.2023 for the offences under sections 341, 294(b), 323, 392, 397 and 506(ii)IPC in Crime No. 753 of 2023 on the file of R.K. Nagar Police Station, seeks bail.

2.The learned counsel appearing for the petitioner would contend that the petitioner is in custody for more than 20 days and he has not committed any offence as alleged in FIR. It is his further submission that the petitioner was released on bail in other cases. Hence, he prayed to grant bail to the petitioner.

3.The learned Additional Public Prosecutor appearing for the respondent police would contend that the petitioner at knife point robbed Rs.500/- from the defacto complainant's shop and also used filthy languages. The Additional Public Prosecutor would further submit that



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there are ten previous cases against the petitioner and the offences are grave in nature and there is a specific overt act as against the petitioner.

If the petitioner released on bail, it will affect the investigation and thereby, she strongly opposed to grant bail to the petitioner.

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 the fact that no body was injured in this case and the petitioner was released on bail in other cases and also considering the period of incarceration, this court is inclined to grant bail to the petitioner subject to the following conditions:

[a] 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 learned XV Metropolitan Magistrate, George Town, Chennai and on further conditions that:



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

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

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

[e] the petitioner 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 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].

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

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index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

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gpa/dpa

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TO

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1. XV Metropolitan Magistrate
George Town, Chennai
2. Central Prison
Puzhal
3. The Inspector of Police
H-6, R.K.Nagar Police Station
Chennai
4. The Additional Public Prosecutor,
Madras High Court,
Chennai.



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P.DHANABAL,J

gpa/dpa

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