



Crl.O.P.No.122 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

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

Crl.O.P.No.122 of 2024

Senthilkumar @ Mandai Senthil

...Petitioner/Accused-2

Vs.

State represented by
The Sub Inspector of Police,
Palladam Police Station,
Tiruppur District.

(Crime No.1295 of 2019)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in C.C.No.18 of 2021 on the file of the learned Judicial Magistrate, Palladam, Tiruppur District, on such terms and conditions.

For Petitioner : Mr.S.Senthilkumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioner/A2 in C.C.No.18 of 2021, now pending before the learned Judicial Magistrate, Palladam, and remanded to custody on 15.05.2023 on execution of Non-bailable warrant issued on 06.08.2021, seeks bail. Originally, Crime No.1295 of 2019 had been registered for the offences under Section 380 of IPC.

2.The one factor which is stressed by the learned Government Advocate (Crl. Side) for the respondent against the petitioner is that there are as many as 57 previous cases against the petitioner herein and they have been listed and also stated that the earlier application of the petitioner had been dismissed by the Judicial Magistrate, Palladam, by an order dated 01.09.2023.

3.The case of the prosecution is that on 27.11.2019 at 10.30 a.m., the defacto complainant had withdrawn a sum of Rs.6,00,000/- from his bank account and had kept Rs.5,00,000/- in his car and kept the



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remaining Rs.1,00,000/- in his pocket. He needed to deposit a sum of Rs.22,000/- in his account in Bank of India, so he went to SBI bank Palladam West and parked his car in front of the bank and went inside the ATM and after depositing the money in his bank account he came to open the left window of the car and he came know that the left window of the car was broken and a sum of Rs.5,00,000/- was stolen from his car.

4.The petitioner had been however granted bail earlier but since he did not appear, a Non-bailable warrant was issued. It is the contention of the learned counsel for the petitioner that the petitioner did not know about the details of the case and was working in other district and in view of the curfew owing to Covid-19 pandemic, he could not appear before the Court.

5.Taking all the factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on



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condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two fresh sureties (one surety must be a blood relative of the petitioner), each for a like sum to the satisfaction of the learned Judicial Magistrate, Palladam, Tiruppur District, 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 appear before the learned Judicial Magistrate, Palladam, everyday morning at 10.30 a.m., and evening at 5.30 p.m., till completion of trial, apart from the Court hearing dates.

[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



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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].

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

18.01.2024

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To

1. The Judicial Magistrate, Palladam, Tiruppur District.
2. The Central Prison, Trichy.
3. The Sub Inspector of Police,
Palladam Police Station,
Tiruppur District.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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