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Crl.O.P.No.86 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM

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

Crl.O.P.No.86 of 2024

Prathap Kumar

... Petitioner

Vs.

State represented by  
The Inspector of Police,  
R-10, MGR Nagar Police Station,  
Chennai.

(Crime No.439 of 2023)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,

prayed to enlarge the petitioner on bail in Crime No.439 of 2023 on the file  
of the respondent.

For Petitioner : M/s.P. Muthuamizh Selvakumar  
For Respondent : Mr.R. Vinoth Raja  
Government Advocate (Crl. Side)

**ORDER**

The petitioner, who was arrested and remanded to judicial custody  
on 19.12.2023, registered for the offences under Sections  
342,294(b),323,397 and 506(ii) of I.P.C in Crime No.439 of 2023 on the  
file of the respondent Police, seeks bail.

2. The petitioner is A4. It is the case of the prosecution that the



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accused entered into the house of the defacto complainant and threatened the defacto complainant to transfer a sum of Rs.1000/- through online and also taken LED Television, Cylinder and other articles. It is stated that LED Television and cylinder had been recovered. There are seven previous cases against the petitioner.

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

4.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 XXIII Metropolitan Magistrate Court, Saidapet 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 report before the respondent police everyday at 10.30 a.m., until further orders.**



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trial.

[c] the petitioner shall not abscond either during investigation or

[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].

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

05.01.2024

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To

1.The XXIII Metropolitan Magistrate Court, Saidapet.

2.The Inspector of Police,  
R-10, MGR Nagar Police Station,  
Chennai.

3.The Central Prison Puzhal

4. The Public Prosecutor, High Court of Madras.



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**C.V.KARTHIKEYAN, J.**

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