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Crl.O.P.No.1309 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **21.02.2024**

CORAM

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

Crl.OP.No.1309 of 2024

Sadikul

...Petitioner

Vs.

State rep by its
The Inspector of Police,
Thirupapuliyur Police Station,
Cuddalore District.
(Cr.No.428 of 2023)

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in FIR in Crime No.428 of 2023 on the file of the respondent police.

For Petitioner : Mr. S. Abdul Khadhar

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

ORDER

The petitioner/A3 who was arrested on 06.11.2023 seeks bail in Crime No.428 of 2023 registered under Sections 457 and 380 of I.P.C pending before the respondent police.



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2.The case of the prosecution is that the defacto complainant broke opened the door of the defacto complainant's showroom and robbed 6nos of 1 grams gold coin and cash Rs.2,91,720/-. The investigation has proceeded to substantial extent.

3. The main objected raised by the learned Government Advocate is that the petitioners are resident of West Bengal.

4. The learned counsel for the petitioners filed a memo stating that for the petitioner his brother one Jamirul Sheik and his cousin brother Nurkalam Hossain will stand as blood sureties. Let the credentials of the sureties be verified by the the learned Judicial Magistrate.

5.Taking all the factors into consideration and the quantity of the contraband and the period of incarceration, this Court is inclined to grant bail to the petitioners 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 sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate III, Cuddalore** 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, daily at 10.00 a.m., until further orders.

[c] the petitioner is directed to file a memo with the names of the two blood sureties at the time of executing sureties.

[d]the petitioner 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 Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the



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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.

21.02.2024

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C.V.KARTHIKEYAN, J.

smn

To

1. The **Judicial Magistrate III, Cuddalore.**

2.The Inspector of Police,
Thirupapuliyur Police Station,
Cuddalore District.

3.Central Prison, Cuddalore.

4.The Public Prosecutor, Madras High Court.

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