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Crl.O.P.No.1435 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM

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

Crl.O.P.No.1435 of 2024

Ashokraj S/o. Dhanapal

...Petitioner/Accused-3

Vs.

State represented by
The Sub-inspector of Police,
Uthukuli Police Station,
Tiruppur District,
Tiruppur.
(Crime No.425 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in Crime No.425 of 2023 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.G.Saravanan

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

ORDER

The petitioner/A3 in C.C.No.189 of 2023, now pending before the learned District Munsif cum Judicial Magistrate, Uthukuli, Tiruppur



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District, seeks bail. Originally, Crime No.425 of 2023 had been registered by the respondent for the offences under Sections 454 & 380 of IPC and subsequently altered to Sections 454, 380 & 411 r/w 34 of IPC. The petitioner had been remanded to custody on 19.12.2023.

2.It is the case of the prosecution that the petitioner had accompanied A1 and A2 when they were going over to pledge the stolen jewelery. No specific overt act of theft has been alleged as against this petitioner.

3.Taking into consideration the period of incarceration and also the fact that investigation has been completed and final report has been filed and the same has been taken cognizance as C.C.No.189 of 2023 by the District Munsif cum Judicial Magistrate, Uthukuli, Tiruppur, 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 District Munsif cum Judicial Magistrate, Uthukuli, Tiruppur District, and on further conditions that: -



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[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 District Munsif cum Judicial Magistrate, Uthukuli, Tiruppur District, on every Monday at 10.30 a.m., till framing of charges and thereafter, during 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 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.

29.01.2024

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C.V.KARTHIKEYAN. J.

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To

- 1.The District Munsif cum Judicial Magistrate,
Uthukuli, Tiruppur District.
2. The Superintendent, Central Prison, Coimbatore, Coimbatore District.
- 3.The Sub-inspector of Police,
Uthukuli Police Station,
Tiruppur District,
Tiruppur.
- 4.The Public Prosecutor,
High Court of Madras.

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