



Crl.O.P.No.1738 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

CORAM

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

Crl.O.P.No.1738 of 2024

1.Pradeep S/o. Senthil
2.Ganesan @ Pulla Ganesh

...Petitioners/Accused 1 & 2

Vs.

State represented by
The Inspector of Police,
N-2, Kasimedu Police Station,
Chennai.

(Crime No.02 of 2024)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail concerned in Crime No.02 of 2024 on the file of the respondent police on such terms and conditions.

For Petitioners : Mr.G.Ezhilbalaji

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

ORDER

The petitioners/A1 and A2 in Crime No.02 of 2024, registered by the respondent police for the offences under Sections 398, 399 & 402 of IPC, seek bail. The petitioners had been remanded to custody on



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04.01.2024.

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2.It is stated that A3, A4 and A5 had been granted bail by the learned Principal Sessions Judge, Chennai, by order dated 18.01.2024 in Crl.M.P.No.1641 of 2024.

3.It is the case of the prosecution that when the respondent had gone over at 5.00 a.m., in Pudhumanaikuppam Subway at Kasimedu, they found all the accused, unlawfully assembled with an intention to commit dacoity. They were all taken into custody.

4.The main objection raised by the learned Government Advocate (Crl. Side) for the respondent is the antecedents of the accused and the several previous cases against them. As a matter of fact, A1 is categorized as History Sheeter (B) category. However, taking into consideration the fact that the co-accused had been granted bail and the period of incarceration, I am inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the XVI Metropolitan Magistrate Court, George Town,



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Chennai, 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 petitioners shall report before the respondent police everyday morning at 10.30 a.m., and evening at 5.30 p.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

31.01.2024

ata

C.V.KARTHIKEYAN. J.

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- 1.The XVI Metropolitan Magistrate Court, George Town, Chennai.
- 2.The Central Prison, Puzhal, Chennai.
- 3.The Inspector of Police,
N-2, Kasimedu Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

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