



Crl.O.P.Nos.2771 & 2788 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM

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

Crl.O.P.Nos.2771 & 2788 of 2024

1.Eswaran
2.Sambath Kumar
3.Mani @ Manikandan

...Petitioners/Accused 2-4
in Crl.O.P.No.2771 of 2024

Harikrishnan

...Petitioner/Accused-1
in Crl.O.P.No.2788 of 2024

Vs.

State represented by
The Inspector of Police,
Kitchipalayam Police Station,
Selem.

(Crime No.34 of 2024)

...Respondent in both Crl.O.Ps

COMMON PRAYER:

Criminal Original Petitions is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioners on bail concerned in Crime No.34 of
2024 on the file of the respondent police on such terms and conditions.



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(In both Crl.O.Ps)

For Petitioners : Ms.S.Sengkodi

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

COMMON ORDER

The petitioner/A1 has filed Crl.O.P.No.2788 of 2024 and the petitioners/A2 to A4 have filed Crl.O.P.No.2771 of 2024, both in Crime No.34 of 2024, registered by the respondent for the offences under Sections 341, 394, 397 and 506(ii) of IPC, seek bail. They had been remanded to judicial custody on 16.01.2024.

2.It is stated that when the defacto complainant was going in Sanniyasikundu to Erumapalayam service road in his two-wheeler, the accused had waylaid him and demanded money and snatched the two-wheeler. Subsequently, the two-wheeler had been recovered. It is stated that A1 has two previous cases but however, taking into consideration the period of incarceration, I am inclined to grant bail to the petitioners in both the criminal original petitions subject to the following conditions:

3.Accordingly, the petitioners in both the criminal original petitions 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



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sureties, each for a like sum to the satisfaction of the Judicial Magistrate

No.II, Salem, 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 at 10.30 a.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.

13.02.2024

ata

C.V.KARTHIKEYAN. J.

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To
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1.The Judicial Magistrate No.II, Salem.

2.Central Prison, Salem.

3.The Inspector of Police,
Kitchipalayam Police Station,
Salem.

4.The Public Prosecutor,
High Court of Madras.

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