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Crl.O.P.No.3194 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

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

Crl.O.P.No.3194 of 2024

1. Backiyaraj

2. Suresh

... Petitioners

Vs.

State Rep by the
Inspector of Police,
Thiruvarur town Police Station,
Thiruvarur District.
(Crime No.4 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.4 of 2024 on the file of
the respondent.

For Petitioner : Mr.R. Naresh Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 12.01.2024, for the offences registered under Sections 392 and 397 of IPC



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and Section 25(1B)(b) of Arms Act in Crime No.4 of 2024 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that at the Commercial Trade Centre Building, Goodshed Road, the petitioners threatened the defacto complainant and robbed a sum of Rs.500/- from him.

3. The main objection raised against the respondent is that there is one previous case pending against the first petitioner. However the facts of this case should be looked in an isolated manner.

4. Taking all the factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions.

5. Accordingly, the petitioners are ordered to be released on bail on condition to execute a 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 learned **Judicial Magistrate, Tiruvarur** 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 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 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.

14.02.2024

smn

To

- 1.The **Judicial Magistrate, Tiruvarur**
- 2.Inspector of Police,
Thiruvarur town Police Station,
Thiruvarur District.(Crime No.4 of 2024)
- 3.The District Prison, Pudukkottai
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN, J.

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