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Crl.O.P.No.4018 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM

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

Crl.O.P.No.4018 of 2024

Pushparaj

... Petitioner

Vs.

State represented by
Inspector of Police,
Paradarami Police Station,
Vellore District.
(Crime No.04 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.04 of 2024 on the file of
the respondent.

For Petitioner : Mr.M.Sathish Kumar

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

ORDER

The petitioner who was arrested and remanded to judicial custody
on 14.01.2024, for the offences registered under Sections 341 and 392 of IPC
in Crime No.04 of 2024 on the file of the respondent Police, seeks bail.



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2. The case of the prosecution is that all the accused had attacked the defacto complainant and showered chilli powder, had robbed money and jewels from the defacto complainant.

3. A memo had been filed by the learned counsel for the petitioner stating that the father and wife of the petitioner are prepared to stand as surety for him.

4. The learned Government Advocate (crl.side) raised objections stating that the petitioner hails from Chittoor District, Andhra Pradesh and there is every possibility of him absconding. He further stated that when the respondent wanted to verify the genuinity of the addresses, the said sureties are not available.

5. Taking all the factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

6. 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, (out of which, one must be either the father of the petitioner or wife of the petitioner and the same must be tested by the learned



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Magistrate concerned) each for a like sum to the satisfaction of the **learned Judicial Magistrate, Gudiyatham, Vellore District** 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 on everyday at 10.30 a.m., until further orders.

[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.

12.03.2024

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C.V.KARTHIKEYAN, J.

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To

- 1.The Judicial Magistrate, Gudiyatham, Vellore.
2. The Inspector of Police,
Paradarami Police Station,
Vellore District.
- 3.The Central Prison, Vellore.
4. The Public Prosecutor, High Court of Madras.

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