



CrI.O.P.No.5123 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM

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

CrI.O.P.No.5123 of 2024

Surya @ Bendu Surya

..Petitioner

Vs.

State represented by
The Inspector of Police,
K-2, Ayanavaram Police Station,
Chennai District.
(Crime No.66 of 2023).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.66 of 2023 in C.C.No.4505 of 2023 pending before the V Metropolitan Magistrate, Egmore.

For petitioner : Mr.A.Samson

For Respondent : Mr.L.Baskaran
Govt. Advocate (CrI. Side)

ORDER

The petitioner, who was remanded to judicial custody through PT Warrant on 11.04.2023 for the offences registered by the respondent



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Police under Sections 457, 380 and 511 IPC in Crime No.66 of 2023 on the file of the respondent, seeks bail.

2.Subsequent to the investigation, the final report had been filed and the same had been taken cognizance as C.C.No.4505 of 2023 which is now pending before the V Metropolitan Magistrate, Egmore.

3.The case of the prosecution is that the petitioner along with other accused broke open the lock of the shop of the defacto complainant, trespassed into the shop and tried to commit theft and escaped from the spot.

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

5.Accordingly, the petitioner is ordered to be released on bail on condition to execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, (out of which, one must be the mother of the petitioner) each for a like sum to the satisfaction of the learned V Metropolitan Magistrate, Egmore 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 report before the respondent police 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.

19.03.2024

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C.V.KARTHIKEYAN. J.

vkrr

To

- 1.The V Metropolitan Magistrate, Egmore.
2. The Central Prison, Puzhal II.
- 3.The Inspector of Police,
K-2, Ayanavaram Police Station,
Chennai District.
- 4.The Public Prosecutor, High Court of Madras.

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