



Crl.O.P.No.5134 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

CORAM

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

Crl.O.P.No.5134 of 2024

Malarkodi

...Petitioner

Vs.

State represented by
The Inspector of Police,
D-4, Zam Bazaar Police Station,
Triplicane, Chennai.
Crime No.04 of 2024

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.04 of 2024 on the file of the respondent Police.

For Petitioner : Mr.K.Hariharan
For Respondent : Mr.L.Baskaran
Government Advocate (crl.side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 27.01.2024 for the offences registered by the respondent Police under



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Sections 294(b), 353 and 506(i) of IPC, in Crime No.04 of 2024, seeks bail.

2.The case of the prosecution is that the Sub Inspector of Police, had went over to the house of the petitioner to execute Non Bailable Warrant issued against the two sons of the petitioner, at that time, the petitioner had prevented execution of the Non Bailable Warrant. The two sons have been subsequently remanded to custody.

3.It is stated that the investigation had been completed and E-filing had also been done. It is further stated that there are six previous cases against the petitioner herein.

4.However, 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 executing 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 II Metropolitan Magistrate, Egmore, Chennai, and on further conditions that :-

[a] the sureties shall affix their photographs and Left



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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 and 5.30 p.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.

11.03.2024

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C.V.KARTHIKEYAN. J.



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To

1. The II Metropolitan Magistrate, Egmore, Chennai.
2. The Special Prison for Women, Puzhal.
3. The Inspector of Police,
D-4, Zam Bazaar Police Station,
Triplicane, Chennai.
4. The Public Prosecutor, High Court of Madras.

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