



Crl.O.P.No.5532 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

CORAM

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

Crl.O.P.No.5532 of 2024

Tarik Asis @ Tarik Shek

...Petitioner/A2

Vs.

State represented by
The Inspector of Police,
Thirupapuliyur Police Station,
Cuddalore District.
Crime No.428 of 2023

...Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in C.C.No.386 of 2023 on the file of the learned Judicial Magistrate – III, Cuddalore District.

For petitioner : Mr.E.Iyappan

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



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ORDER

The petitioner / A2 in C.C.No.386 of 2023 pending before the learned Judicial Magistrate – III, Cuddalore, seeks bail. The petitioner had been remanded to judicial custody on 06.11.2023.

2.Originally, Crime No.428 of 2023 had been registered by the respondent for the offences punishable under Sections 457 and 380 of IPC.

3.It is the case of the prosecution that the accused had broken the door of the showroom of the defacto complainant and robbed six numbers of one gram gold coin and cash of Rs.2,91,720/-.

4.The entire issue relating to the aforementioned offences are pending examination in C.C.No.386 of 2023 by the learned Judicial Magistrate – III, Cuddalore.



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5.It is also stated that the petitioner had filed a memo giving details of blood sureties namely, his mother, his daughter and his brother. They had been verified by the respondent. But, independently, the learned Judicial Magistrate – III, Cuddalore, may also make necessary enquiry on this aspect.

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

7. 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) with two sureties, out of which, **one surety must be a blood surety and other surety must be a local surety**, each for a like sum to the satisfaction of the Judicial Magistrate - III, Cuddalore.

[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.



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[b] the petitioner shall appear before the learned Judicial Magistrate – III, Cuddalore, on every Monday at 10.30 AM apart from Court hearing dates, till completion of trial.

[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.

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To

- 1.The Judicial Magistrate – III, Cuddalore.
2. The Central Prison, Cuddalore.
3. The Inspector of Police,
Thirupapuliyur Police Station,
Cuddalore District.
- 4.The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

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