



Crl.O.P.No.5570 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM

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

Crl.O.P.No.5570 of 2024

Amose Fernandes

...Petitioner

Vs.

State represented by
The Inspector of Police,
Karimangalam Police Station,
Dharmapuri.
Crime No.454 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.454 of 2023 on the file of the respondent Police.

For petitioner : Mr.S.Arulselvan

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

ORDER

The petitioner/A1 who had surrendered to judicial custody on 04.01.2024 for the offences registered by the respondent Police under Section 392 of IPC, in Crime No.454 of 2023 seeks bail.



2.It is stated that the petitioner/A1 along with A2 had robbed 8 ½ sovereigns of gold chain from the defacto complainant.

3.The learned Government Advocate (crl.side) stated that out of 8 ½ sovereigns, only 2 sovereigns had been recovered. A2 is still absconding.

4.But however, taking the period of incarceration into consideration, 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 District Munsif cum Judicial Magistrate, Karimangalam 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, everyday at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond either during



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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.

06.03.2024

vkr

To

1. The District Munsif cum Judicial Magistrate, Karimangalam
2. The Central Prison, Salem.
3. The Inspector of Police,
Karimangalam Police Station, Dharmapuri.
4. The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN. J.



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