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Crl.O.P.No.5833 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM

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

Crl.O.P.No.5833 of 2024

Mohanraj

... Petitioner

Vs.

State represented by
Inspector of Police,
North Police Station,
Tirupur District.
Crime No.1377 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.1377 of 2023 on the file
of the respondent.

For Petitioner : Mr.K.Sudhakar

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

ORDER

The petitioner who was arrested and remanded to judicial custody
on 07.02.2024 for the offences originally registered under 174 Cr.P.C and



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later, altered to Section 306 IPC in Crime No.1377 of 2023 on the file of the respondent Police, seeks bail.

2.The petitioner had earlier been granted anticipatory bail in CrI.O.P.No.26069 of 2023 on 07.12.2023.

3.Let me not enter into any further details but only state that at the time of granting anticipatory bail, one of the condition imposed on the four accused was the four accused persons were to jointly deposit a sum of Rs.1,00,000/- to the credit of Crime No.1377 of 2023 and since none of the accused had not so deposited, this petitioner had been taken into custody. The other accused have filed application for seeking extension of time.

4.On 14.03.2024, this Court had passed the following order:

“4.Taking all the factors into consideration and also of the fact that the petitioner is ready to deposit his share amount of Rs.25,000/-, I am inclined to grant bail to the petitioner till 19.03.2024 subject to the following conditions:



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5. Accordingly, the petitioner is ordered to be released on interim bail till 19.03.2024 on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tirupur 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 deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.1377 of 2023 before the Judicial Magistrate No.I, Tirupur.

[d] the petitioner shall surrender before the Judicial Magistrate No.I, Tirupur on 20.03.2024 at 5.30 p.m..

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[g] 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.”

5.It is now reported that the petitioner had complied with the condition to deposit a sum of Rs.25,000/- to the credit of Crime No.1377 of 2023 before the Judicial Magistrate No.I, Tirupur, and had also surrendered before the Judicial Magistrate on 20.03.2024.

6.In view of that particular fact, 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 condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand



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only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Tirupur 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., for a period of two weeks and thereafter, as and when required for interrogation.

[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 No.I, Tirupur.
2. The Inspector of Police,
North Police Station,
Tirupur District.
- 3.The District Prison, Tirupur.
4. The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN, J.



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