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Crl.O.P.No.11556 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.11556 of 2024

Mr.A.Kamesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
M-5, Ennore Police Station,
Thiruvallur District.

(Crime No.272 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.272 of 2024, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.M.Muthuramalingam

For Respondent : Ms.A.Shahana Fathima for
Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER



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The petitioner was arrested and remanded to judicial custody on 01.04.2024, for the offences punishable under Sections 341, 294(b), 323, 397, 506(ii) of IPC, in Crime No.272 of 2024, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that while the defacto complainant going to the work near Ernavoor Liftgate Bridge, the petitioner along with other accused intercepted, abused him with filthy words and threatened him for money and took Rs.650/- from the defacto complainant's pocket. Hence this complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, who is no way connected with the alleged offence, and a false complaint has been foisted against him. He also submitted that the co-accused was released on bail in Crl.M.P.No.2459 of 2024 on 09.05.2024. The petitioner is in custody from 01.04.2024 and he is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is arrayed as A3. The petitioner and other accused waylaid the defacto complainant and threatened and took Rs.650/- from his pocket. There are four previous cases pending against the petitioner. She further submitted that the petitioner filed Crl.M.P.No.2056 of 2024, before the Lower Court, seeking bail. By an order dated 26.04.2024, the said bail petition was dismissed. hence, she opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering the fact that the co-accused was released on bail, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on



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his executing 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, Thiruvottiur, and on further conditions that:

[a] the sureties shall affix their photographs and produce proof of identity and proof of residence, like electoral Photo Identity Card (EPIC) or Aadhaar Card or Bank Passbook;

[b] the petitioner shall report before respondent police everyday at 10.00 a.m. for a period of 30 days.

[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 abscond, a fresh FIR



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can be registered under Section 229A IPC.

22.05.2024

gsk

To

1. The Judicial Magistrate,
Thiruvottiyur.
2. The Inspector of Police,
M-5, Ennore Police Station,
Thiruvallur District.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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C.SARAVANAN.,J.

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