



Crl.O.P.No.12310 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.12310 of 2024

Mithun

... Petitioner/Accused No.2

Vs.

The State represented by,
The Inspector of Police,
Sathangadu Police Station,
Avadi City.

(Crime No.169 of 2024).

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, pending investigation in Crime
No.169 of 2024, on the file of the respondent Police.

For Petitioner : Mr.K.Anand

For Respondent : Mr.R.Vinothraja,
Government Advocate (Crl.Side)



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ORDER

The petitioner is the second accused, who was arrested and remanded to judicial custody on 27.04.2024 for the offences punishable under Sections 341, 294(b), 323, 324, 392, 397 & 506(ii) of IPC, in Crime No.169 of 2024, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 26.04.2024 at about 08:30 PM, when the defacto complainant went to the wine shop, at that time, the petitioner with another person robbed a sum of Rs.850/- from the defacto complainant when the defacto complainant was under the influence of alcohol. Hence the complaint has been filed.

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. The petitioner is in custody from 27.04.2024. He further submitted that the petitioner 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, who is accused no.1, along with accused no.2 robbed the defacto complainant at night time when the defacto complainant was under the influence of alcohol. He has also submitted that the petitioner / accused no.2 has no history of being involved in any criminal case. Hence, he 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, 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 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, Thiruvottriur**, and on further conditions that:



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[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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Note:

1.Registry is directed to forthwith upload this order in the official website of this Court.

2.All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.

To

1. The Judicial Magistrate,
Thiruvottriyur
2. The Inspector of Police,
Sathangadu Police Station,
Avadi City.
3. The Central Prison
Puzhal-II, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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C.SARAVANAN.,J.

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