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CrI.O.P.No.27989 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM

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

CrI.O.P.No.27989 of 2023

Kannan @ Karthi

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Kitchipalayam Police Station,
Salem City and Salem District.
Crime No.1214 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.1214 of 2023 on the file
of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

The petitioner who was arrested and remanded to judicial custody
on 14.11.2023 for the offences under Sections 341, 294(b), 392, 397 and



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506(ii) of IPC, in Crime No.1214 of 2023 on the file of the respondent Police, seeks bail.

2. There are totally four accused and the petitioner is arrayed as A2. The petitioner along with other accused had waylaid the defacto complainant and snatched a sum of Rs.3000/- from him.

3. The learned Government Advocate (crl.side) stated that there are 22 previous cases against the petitioner.

4. List of the cases have been forwarded by the learned Government Advocate. A1 and A3 had been detained under Act 14 of 1982. Out of 22 cases, 12 of them, the trial is pending and in 3 of them, the investigation is pending and in 5 of them, the charge sheet has been filed but not taken on file and in 2 others, it is stated that specific information has not been given.

5. Taking into consideration the period of incarceration and the facts of the present case, I am inclined to grant bail to the petitioner subject to the following conditions:

6. 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 only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Salem 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 the respondent Police, on everyday twice at 10.30 a.m., and 5.30 p.m., until further orders.

[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.

05.01.2024

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C.V.KARTHIKEYAN, J.

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To

- 1.The Judicial Magistrate No.II, Salem.
- 2.The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
- 3.The Central Prison, Salem.
4. The Public Prosecutor, High Court of Madras.

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