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CrI.O.P.No.30013 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM

**THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA**

**CrI.O.P.No.30013 of 2024**

Prabakaran @ Suruttaiyan

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Tiruchengode Town Police Station,  
Namakkal District.

(Crime No.503 of 2019).

... Respondent

**PRAYER :** Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.503 of 2019, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Mohamed Saifulla

For Respondent : Mr.Leonard Arul Joseph Selvam  
Government Advocate (CrI.Side)

**ORDER**

Petition seeking bail in respect of Crime No.503 of 2019 registered for the offences punishable under Sections 341, 392 & 397 of IPC is on board for consideration.



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2. The incarceration of the petitioner/A2 being from 09.10.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that in order to keep the petitioner under fetters, the respondent had foisted the present case, which was registered only for statistical purpose, against the petitioner and others. He also submits that even as per the prosecution, the chain has been recovered, however the petitioner is still in custody.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the accused had waylaid the de facto complainant and by threatening him at knife point, robbed 1 ½ sovereigns of gold chain from him. He also submits that the investigation in this case is still pending and the robbed chain was recovered. He further submits that the petitioner/A2 is a habitual offender, against whom, 15 previous cases are pending, therefore, if he is released on bail, there is every possibility of him absconding and not available for further investigation.



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4. At this juncture, the learned counsel for the petitioner submits that the petitioner is in no way connected with the alleged offence and further, he was also not aware the present case registered against him in the year 2019. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court. Hence, he prayed for bail.

5. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Tiruchengode, Namakkal** 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 06.30 p.m., for a period of**



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**two weeks and thereafter, every Saturday at 10.30 a.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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

**02.12.2024**

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To

1. The Judicial Magistrate,  
Tiruchengode, Namakkal.
2. The Inspector of Police,  
Tiruchengode Town Police Station,  
Namakkal District.
3. The Superintendent,  
Central Prison,  
Salem.
4. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA.,J.**

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