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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2019

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.A.NO.284 OF 2019

1. Ajithkumar
2. Rajkumar
3. Dinesh
4. Gopiraj
5. Naresh Kumar

.. Appellants/Accused

Vs.

The State rep. by
Inspector of Police,
Sevvapet Police Station,
Chennai.
(Crime No.105 of 2019)

.. Respondent/Complainant

Criminal Appeal filed under Section 14A (2) of the SC/ST (Prevention of Atrocities) Act to set aside the order dated 15.05.2019 in Crl.M.P.No.2311 of 2019 on the file of the Principal District and Sessions Court, Tiruvallur and to enlarge the appellants on bail in connection with Crime.No.105 of 2019 on the file of the respondent.

For Appellants : Ms.M.Kaveri Selvam

For Respondent : Mrs.P.Kritika Kamal,
Govt.Advocate (Crl.Side)

J U D G M E N T

This Criminal Appeal has been preferred by the appellants to set aside the order dated 15.05.2019 passed by the learned Principal District and Sessions Judge in Crl.M.P.No.2311 of 2019 dismissing the bail petition filed by the appellants in Crime No.105 of 2019.

2. The case of the prosecution is that the appellants herein nurtured ill will against the deceased Vicky and on account of



previous enmity, the appellants took the deceased Vicky from his house and murdered him. The Trial Court has dismissed the bail application, aggrieved by which, the present appeal has been preferred.

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3. Today Mr.S.Selvakumar, son of A.Sekar, representing the family of the victim, is present.

4. The learned Government Advocate submitted that there are two previous cases against Ajithkumar (A2) and one previous case against Gopiraj (A5).

5. On reading of the case diary, it is seen that the accused had brutally stabbed the deceased and had abandoned his body. As regards Naresh Kumar (A7), this Court finds that he has not played any serious role and that he was merely a spectator.

6. Taking into consideration the aforesaid facts, this Court is inclined to grant bail to Naresh Kumar (A7) alone with certain conditions. As regards the other appellants this appeal stands dismissed and the fifth appellant herein viz., Naresh Kumar (A7) is ordered to be released on bail on he executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate - II, Thiruvallur 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 fifth appellant (A7) shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, the fifth appellant (A7) shall appear before the respondent police as and when required.

[c] the fifth appellant (A7) shall not tamper with evidence or witness either during investigation or trial.

[d] the fifth appellant (A7) shall not abscond 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 fifth appellant (A7) in accordance with law as if the conditions have been imposed and the fifth appellant (A7) 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 fifth appellant (A7) thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Inspector of Police,
Sevvapet Police Station,
Chennai.
2. The Principal District and Sessions Court,
Tiruvallur.
3. The Public Prosecutor,
High Court, Madras-104

+lcc to Ms.M.Kaveri Selvam, Advocate, S.R.No.45706

Crl.A.No.284 of 2019

VD(CO)
CS/07/06/2019