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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.15919 of 2021

Sakthivel

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
T-10 Tirumullaivoyal Police Station,
Chennai.
(Crime No.744 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending investigation in Crime No.744 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Raj Prabhu

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

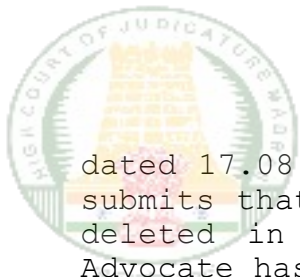
ORDER

The petitioner who was arrested on 02.11.2020 and remanded to judicial custody for the offences under Sections 302,341,34 and 114 of IPC in Crime No.744 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with other accused attacked the husband of the defacto complainant with aruval and murdered the deceased. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offences and he has been falsely implicated in this case. He further submits that the petitioner has been jail from 02.11.2020. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that this Court dismissed the earlier bail application filed by the petitioner in Crl.O.P.No.12628 of 2021 dated 22.07.2021 on the ground that there was one previous case pending against the petitioner and dismissed the second bail application in Crl.O.P.No.14653 of 2021



dated 17.08.2021 as there was no change in circumstances. He further submits that after filing of charge sheet the petitioner's name was deleted in the Altercation report. Hence, the learned Government Advocate has no serious objection to grant bail to the petitioner.

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5. Considering the submissions made by the petitioner and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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 Additional District and Sessions Judge No.II at Poonamallee**, and on further condition 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, daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

07/09/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.



TO

1 THE ADDITIONAL DISTRICT
AND SESSIONS JUDGE, NO.II, POONAMALLEE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
T-10, TIRUMULLAIVOYAL POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL-II, CHENNAI.

+2 CC to M/S. R.RAJ PARABHU Advocate on payment of necessary
charges SR.NO.9630

CRL OP.15919/2021

Date :07/09/2021

TA-08/09/2021