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Crl.O.P.No.21596 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2022

CORAM

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

Crl.O.P.No.21596 of 2022

Rahuman

... Petitioner

Vs.

The State represented by ,
The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.
(Crime No.308/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.308 of 2022 pending
on the file of the respondent Police.

For Petitioner : Mr.A.Mohammed Iqbal

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.05.2022 for the offences punishable under Sections 294(b), 302 & 341 of IPC, in Crime No.308 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 18.05.2022, due to the previous enmity, the petitioner along with other accused had abused the de-facto complainant's son in a filthy language and assaulted him, due to which, he died. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that there exist a previous enmity between the deceased and Accused 1 & 2. He would further submit that the petitioner is an innocent person and since, he happens to be the friend of the first accused, he has been falsely implicated in this case. He would also submit that the petitioner is in custody from 19.05.2022 and the respondent has completed the investigation and the final report has been filed in P.R.C.No.65 of 2022 and it is pending



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committal on the file of the XV Metropolitan Magistrate, George Town, Chennai. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that due to the previous enmity, the petitioner along with the other accused had committed murder of the de-facto complainant's son. He would further submit that the respondent has completed the investigation and filed the final report in P.R.C.No.65 of 2022 and it is pending committal on the file of the XV Metropolitan Magistrate, George Town, Chennai. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and taking note of the long incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on



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bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned XV Metropolitan Magistrate, George Town, Chennai**, 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 learned XV Metropolitan Magistrate, George Town, Chennai, on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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]**;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

08.09.2022

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To

1. The XV Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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