



Crl.O.P.No.22654 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

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

Crl.O.P.No.22654 of 2022

Prem Kumar

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
B-3, Kanchi Taluk Police Station,  
Kanchipuram.

(Crime No.520/2022).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleased to enlarge the petitioner on bail pending investigation in connection  
with the Crime No.520 of 2022 on the file of the respondent Police.

For Petitioner : Mr.G.Senthilkumar

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 09.07.2022 for the offences punishable under Sections 302 @ 147, 148, 294(b), 448 & 302 of IPC, in Crime No.520 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused trespassed into the house of the victim and by assaulting him with iron rod, had committed murder of the victim. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been wrongly implicated in this case and he has nothing to do with the alleged offence. He would further submit that the petitioner is in custody from 09.07.2022 and the co-accused in this case has been granted with bail by this Court in Crl.O.P.No.22096 of 2022 dated 14.09.2022 and he would also submit that the petitioner is prepared to comply with any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with the other accused due to wordy quarrel, entered into the house of the victim and by attacking him indiscriminately with iron rod, caused severe injuries all over his body and also in head and committed murder. He would also submit that the investigation has been completed and the final report has also been filed before the learned Judicial Magistrate No.II, Kancheepuram in P.R.C.No.30 of 2022. Hence, he vehemently opposed to grant bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and considering the period of incarceration suffered by the petitioner and also taking note of the fact that the final report has also been filed, this Court is inclined to grant bail to the petitioner.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Kancheepuram**, 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 Judicial Magistrate No.II, Kancheepuram, at 10.30 a.m., everyday without fail, 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



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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 229A IPC.

**20.09.2022**

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To

1. The Judicial Magistrate No.II,  
Kancheepuram.
2. The Inspector of Police,  
B3, Kanchi Taluk Police Station,  
Kanchipuram.
3. The 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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