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Crl.O.P.No.23413 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.23413 of 2022

Enbaraj

..Petitioner

Vs.

State Represented by its
Inspector of Police,
Pathirivedu Police Station,
Gummidipoondi Taluk,
Thiruvallur District.
(Crime No.86 of 2022).

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.86 of 2022 on the file of
the respondent police.

For Petitioner : Mr.M.Ranjinikanth

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.07.2022 for the offences punishable under Sections 174 of Cr.P.C later altered into Sections 120(B), 147 , 148, 294(b), 323, 324, 302 of I.P.C read with Section 311 of IPC in Crime No.86 of 2022 on the file of the respondent police, seeks bail.

2. The defacto complainant, who is the Forest Officer of the Gummidipoondi had lodged a complaint stating that an unidentifiable dead body was found in Irungulam Forest area, later it was found that the deceased was one Dharunkumar of Andhra Pradesh, due to previous enmity, the petitioner along with other accused consumed alcohol and committed murder upon the deceased and thereafter thrown the body in the said forest area. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is ready and willing to abide by any stringent conditions as imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the



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respondent police would submit that there are totally 10 accused, in which the petitioner is arrayed as A4. Due to previous enmity, the petitioner along with other accused attacked the deceased with deadly weapons, due to which, the deceased died and thereafter the accused persons have thrown the deceased into the forest area. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also taking note of the fact that the petitioner is in judicial custody from 15.07.2022, this Court is inclined to grant bail to the petitioner.

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 blood related sureties**, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Gummidipoondi 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.



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[b] the petitioner shall stay at Kumbakonam and report before the Inspector of Police, Kumbakonam Town Police Station, daily at 10.30 a.m., and 05.30 p.m, for a period of four weeks and thereafter report before the respondent Police daily at 10.30 a.m., and 05.30 p.m, for a period of four weeks and thereafter as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

27.09.2022

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G.K.ILANTHIRAIYAN, J.

mn

To

- 1.The District Munsif cum Judicial Magistrate, Gummidipoondi.
- 2.The Inspector of Police,
Pathirivedu Police Station,
Gummidipoondi Taluk,
Thiruvallur District.
3. The Inspector of Police,
Kumbakonam Town Police Station.
- 4.The Central Prison, Puzhal.
- 5.The Public Prosecutor,
High Court of Madras

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