



Crl.O.P.No.25248 of 2022

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 18.10.2022**

**CORAM**

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

**Crl.O.P.No.25248 of 2022**

Senthil Kumar

... Petitioner

Vs.

The State Rep By its,  
The Inspector of Police,  
K-1, Sembium Police Station,  
Chennai - 600 011.

(Crime No.570 of 2022)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the petitioner on Bail in Crime No.570 of 2022 on the file  
of the respondent police.

For Petitioner : Mr.M.R.Thangavel

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 15.09.2022 for the offences punishable under Section 302 of IPC in Crime No.570 of 2022 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution as per the de-facto complainant/brother of the deceased is that on account of the previous enmity, the petitioner along with the other accused in an inebriated condition assaulted the victim/deceased with aruval and due to which, the victim had died. Hence, the case.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case, sine he happened to be the friend of the main accused. He would further submit that ever as per the prosecution, the incident had happened when the accused and the victim were in inebriated condition and he would also state that other than the petitioner's presence at the scene of occurrence, there is no specific overt act as against him. He would also submit that there



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is no bad antecedents on the petitioner and he is suffering incarceration from 15.09.2022. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with the other accused in an inebriated condition, due to the previous enmity have assaulted the brother of the de-facto complainant with aruval, due to which he died. He would also submit that investigation is pending in this case and hence, he oppose to grant bail to the petitioner.

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

6. Taking into consideration the facts and the submissions made by the learned Counsel for the petitioner and also considering the period of incarceration undergone by the petitioner, 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 V-Metropolitan Magistrate, Egmore, 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 respondent police everyday at 10.30 a.m. and 5.30 p.m., until further orders;**

[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



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

**18.10.2022**

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To

1. The V-Metropolitan Magistrate Court,  
Egmore, Chennai.
2. The Inspector of Police,  
K-1, Sembium Police Station,  
Chennai - 600 011.
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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