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CrI.O.P.No.5397 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

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

CrI.O.P.No.5397 of 2023

S.Arun

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
P-1, Pulianthope Police Station,
Chennai.

(Crime No.8 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime No.8 of
2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.V.Karthick

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.01.2023, for the alleged offence punishable under Sections 147, 148, 341, 294(b), 324, 302 & 506(ii) of IPC, in Crime No.8 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Subbulakshmi, is that on 06.01.2023, when she was returning home along with her husband, the accused, due to the previous enmity, invited unnecessary quarrel and during which, they abused the de-facto complainant and her husband in a filthy language and attacked her husband with knife and committed murder of him. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, aged about 22 years and he has been unnecessarily roped in this case. He further submitted that the husband of the de-facto complainant is a notorious person, against several previous cases are



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pending. He further submitted that the respondent suspects the petitioner, since he belongs to the member of the opposite gang. He also submitted that the similarly placed co-accused has been granted bail and also stated that the petitioner is in custody from 07.01.2023, hence, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner along with other accused had abused the de-facto complainant and her husband and by indiscriminately assaulting the victim with knife on his head and hand, had committed murder of him. He further submitted that investigation has been completed and the case has also been taken up in P.R.C.No.32 of 2023 pending on the file of the learned X Metropolitan Magistrate, Egmore, Chennai. He also stated that one previous case is pending as against the petitioner. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case, 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 with certain conditions.

7. 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 X 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 appear before the learned X Metropolitan Magistrate, Egmore, Chennai at 10.30 a.m., on all working days, until further orders;

[c] the petitioner shall not abscond during trial;

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



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

07.03.2023

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To

1. The X Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
P-1, Pulianthope Police Station,
Chennai.
3. The Central Prison,
Puzhal-II, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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