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CrI.OP.No.9340 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2023

CORAM

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

CrI.OP.No.9340 of 2023

Seenivasan @ Srini

... Petitioner/ A2

Vs.

The State Rep by its
Inspector of Police,
R.K.Pet Police Station,
Pallipattu Taluk,
Thiruvallur District
Crime No.108 of 2023

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to release the petitioner on bail in crime No.108 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Rajinikanth

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor



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Crl.OP.No.9340 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.02.2023 for the offence punishable under Section 302 of IPC, in Crime No.108 of 2023 on the file of the respondent police, seeks bail

2. The case of the prosecution is that A1, who is the wife of the deceased, has an illicit intimacy with A2, due to which, A1 and A2 along with other accused, who are friends of A2, had preplanned to do away with the husband of A1 and thereby, on 19.02.2023, they have committed murder of him by strangulating his neck. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that co-accused was already granted bail by this Court in Crl.OP.No.8072 of 2023 dated 13.04.2023. Hence, he prays for grant of bail to the petitioner.



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CrI.OP.No.9340 of 2023

4. The Additional Public Prosecutor appearing for the respondent police would submit that there are totally four accused, in which the petitioner is arrayed as A2, who was arrested on 21.02.2023 on the complaint given by the father of the deceased.

5. Considering the submissions of the counsel appearing on either side and also considering that the co-accused was granted bail by this court, 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 sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Pallipattu 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 daily at 10.30 a.m. until further orders.



CrI.OP.No.9340 of 2023

WEB COPY

[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.

05.05.2023

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CrI.OP.No.9340 of 2023



WEB COPY



Crl.OP.No.9340 of 2023

G.K.ILANTHIRAIYAN, J.

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To

1.The learned District Munsif cum Judicial Magistrate,
Pallipattu

2.Inspector of Police,
R.K.Pet Police Station,
Pallipattu Taluk,
Thiruvallur District

3.Central Prison,
Puzhal

4.The Public Prosecutor,
High Court of Madras,
Chennai

Crl.O.P.No.9340 of 2023

05.05.2023