



CrI.OP.No.10241 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.10241 of 2023

Appu @ Kalaiarasan

... Petitioner/ A1

Vs.

State Rep by
The Inspector of Police,
Villupuram Town Police Station,
Villupuram District.
Crime No.375 of 2016

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner/Accused on bail in PRC.No.27 of 2016 on the file of the Chief Judicial Magistrate at Villuppuram in Crime No.375 of 2016.

For Petitioner : Mr.S.Sathish Kumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.10.2022 for the offence punishable under Section 147, 148, 294(b), 341, 323, 324, 307, 302, 506(ii), 120(B) of IPC read with Section 4 and 5 of Explosive Substance Act, in Crime No.375 of 2016 on the file of the respondent police, seeks bail

2. The case of the prosecution is that the petitioner/A1 along with the other accused involved in the case of murder and the said incident taken place on 14.09.2016. 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. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are totally 8 accused in which the petitioner is arrayed as A1.He



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would further submit that after completion of investigation, the respondent police had filed final report and the same has been taken on file in PRC.No.27 of 2016 by the learned Chief Judicial Magistrate, Villupuram. The petitioner had not appeared before the trial Court hence, the NBW was issued against him and on execution of NBW, the petitioner himself have voluntarily surrendered before the Trial Court on 17.10.2022 to recall the NBW and the same was dismissed. Subsequently, he filed bail application and the same was also dismissed. He would further submit that other accused persons are attending the Court regularly. He would further submit that there are 8 previous cases as against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner.



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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 Chief Judicial Magistrate, Villupuram** 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 Chief Judicial Magistrate, Villupuram daily at 10.30.am and 5.30pm till the committal proceedings is over and thereafter report before the Trial Court 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.



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

05.05.2023

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G.K.ILANTHIRAIYAN, J.

nr/gbi

To

- 1.The Chief Judicial Magistrate,
Villupuram.
2. The Inspector of Police,
Villupuram Town Police Station,
Villupuram District.
3. The Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai

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