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CrI.O.P.No.10724 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.10724 of 2023

Jayamuthuvel

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Valasaravakkam Police Station,
Chennai District.

(Crime No.109 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in pending investigation in Crime
No.109 of 2023 on the file of the respondent police.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 15.04.2023, for the offence punishable under Sections 324 and 506(ii) of IPC @ Sections 324, 506(2) and 302 of IPC, in connection with Crime No.109 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there are totally 4 accused, in which the petitioner is arrayed as A1. The petitioner along with other accused attacked the deceased, who is a mentally retarded person, due to which the deceased sustained grievous injuries and died. Hence, the present case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that He further submitted that the petitioner is no way connected with the alleged offence and he is in custody from 15.04.2023. He also submitted that the co-accused namely A2 in this case has already been enlarged on bail by this Court in Crl.O.P.No.10057 of 2023 on 04.05.2023. Hence, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that there are totally 4 accused, in which the



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petitioner is arrayed as A1. The deceased is a mentally retarded person and he had threatened the general public. Therefore, the general public attacked the deceased with wooden log, due to which the deceased sustained grievous injuries and died. Hence, he vehemently opposed to grant bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and the co-accused in this case has already been enlarged on bail by this Court 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 Judicial Magistrate No.I, Poonamalle**, and on further conditions that:



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[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, twice a week at 10.30 a.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 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.

10.05.2023

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To

1. The Judicial Magistrate-I,
Poonamalle.
2. The Inspector of Police,
Valasaravakkam Police Station,
Chennai District.
3. The Central Prison,
Puzhal II, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J

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