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Crl.O.P.No.13782 of 2023

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

**DATED : 06.07.2023**

**CORAM**

**THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP**

**Crl.O.P.No.13782 of 2023**

Kowtham  
S/o.Kalyanasundaram

... Petitioner

**Vs.**

State represented by  
Inspector of Police,  
D6 Anna Square Police Station,  
Triplicane, Chennai – 600 005.  
Crime No.81/2023

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the Petitioner on bail pending investigation in Crime No.81  
of 2023 on the file of Respondent.

For Petitioner : Mr.R.Veera Muthu

For Respondent : Mr.V.Meganathan  
Government Advocate (Crl. Side)



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**ORDER**

The Petitioner, who was arrested and remanded to judicial custody on 21.04.2023 for the offences punishable under Sections 147, 148, 294(b), 307, 302 and 506(ii) of IPC in Crime No.81 of 2023 on the file of the Respondent Police, seeks bail.

2.Learned Counsel for the Petitioner submitted that he had moved bail Petition in Crl.O.P.No.11855 of 2023 before the Vacation Court on 24.05.2023.

3.At that time, the learned Government Advocate (Crl. Side) vehemently objected to the release of the Petitioner on bail, stating that the brutal attack was alleged to have taken place on 20.03.2023. One Vignesh died in that attack. Another person, Sanjay, became unconscious due to the injury, and he was in treatment. Only after the injured Sanjay was discharged from the Hospital, the test identification parade will be conducted.



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4. Based on the objection made by the learned Government Advocate (Crl. Side), the bail Petition in Crl.O.P.No.11855 of 2023 was dismissed by this Court on 24.05.2023.

5. Now this is the second bail Application moved by the very same person. According to the learned Counsel for the Petitioner there has been a change of circumstances. The injured, who is alleged to have been treated and was unconscious, was discharged from the Hospital to conduct the test identification parade, and the investigation is almost complete.

6. Further, the learned Counsel for the Petitioner submitted that the learned Principal Sessions Judge, Chennai, had granted bail in Crl.M.P.No.14593 of 2023 in Crime No.81 of 2023 for the Accused No.7 on 27.06.2023. Also, the learned Principal Sessions Judge, Chennai, had granted bail in Crl.M.P.No.14900 of 2023 in Crime No.81 of 2023 for the Accused Nos.3, 5 and 8 on 04.07.2023.



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7.The learned Counsel for the Petitioner submitted that in the order in Crl.M.P.No.14900 of 2023, the learned Principal Sessions Judge, Chennai, had recorded the submission of the learned Public Prosecutor regarding the fact that almost the entire investigation had been completed.

8.Today, 06.07.2023, the learned Government Advocate (Crl. Side) submitted that the investigation had been completed and the final report of investigation was waiting for the learned Public Prosecutor's opinion for the filing of the final report before the Court proceeding.

9.Recording the submission of the learned Government Advocate (Crl. Side) that the investigation had been completed, this Court is inclined to grant bail to the Petitioner with certain conditions:

10. 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 II Metropolitan Magistrate, Egmore, 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 learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the Petitioner shall report before the respondent police, daily at 10.30 a.m., until further orders.

(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though



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bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

**06.07.2023**

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To

1. The II Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector of Police,  
D6 Anna Square Police Station,  
Triplicane, Chennai – 600 005.
3. The Central Prison,  
Puzhal, Chennai.
4. The Public Prosecutor,  
High Court of Madras.

**SATHI KUMAR SUKUMARA KURUP,J.**



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