



Crl.O.P.No.13919 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

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

Crl.O.P.No.13919 of 2023

Deepak

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sholavaram Police Station,
Tiruvallur District.

(Crime No.339 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.339 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.P.Chandrasekar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.05.2023 for the alleged offences under Sections 147, 148, 342, 294(b), 307, 324 and 302 of IPC in Crime No.339 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a previous enmity between the accused and the de-facto complainant's brother/victim, since the deceased/victim had lodged a complaint against the accused for breaking the Ambedkar statue. Due to which, on 07.05.2023, the accused had waylaid the deceased/victim and had committed murder of him by indiscriminately assaulting him with knife. Hence the case.

3. Learned counsel appearing for the petitioner submitted that petitioner is an innocent person, aged about 22 years and he has been falsely implicated in this case, since he happens to be the friend of the main accused. He also submitted that the petitioner is no way connected with the alleged offence and he is languishing in custody from 08.05.2023. He also submitted



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that major part of the investigation is over, hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.side) appearing for the respondent police submitted that the petitioner (A6) along with other accused, due to the previous enmity, had waylaid the *de facto* complainant, abused him and assaulted him indiscriminately with knife, due to which, he died. He further submitted that the specific overt act attributed as against this petitioner is that he had inflicted injuries on the deceased/victim with knife. He also submitted that investigation in this case is still pending, hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either sides and also considering the period of incarceration undergone by the petitioner, this



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Court is inclined to grant bail to the petitioner.

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.II, Ponneri**, 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 stay at Madurai and report before the Inspector of Police, Otthakadai Police Station, everyday 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



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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.

26.06.2023

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To

1. The Judicial Magistrate No.II,
Ponneri.
2. The Inspector of Police,
Sholavaram Police Station,
Tiruvallur District.
3. The Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
Otthakadai Police Station,
Madurai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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