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Crl.O.P.No.16471 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.16471 of 2023

E.Ajith

...Petitioner

Vs.

State Rep by
The Inspector of Police,
Dusi Police Station,
Thiruvanamalai District – 631 702.
Crime No.213 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner/A-1 on bail in Crime No.213 of 2023 pending on the file of the respondent police.

For Petitioner : Mr.K.Kannan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.05.2023 for the offences punishable under Sections 294(b), 341, 324 & 307 of IPC of IPC in Crime No.213 of 2023 on the file of the respondent police, seeks bail.

2. It is the submission of the learned counsel for the petitioner that the victim had murdered the brother of the A1. There is previous enmity between the victim and the deceased/brother of A1. The allegation that on 22.05.2023, the accused had assaulted the victim with deadly weapon and caused injuries is not correct. The petitioner is in custody from 22.05.2023. Thus, he prays for grant of bail.

3. In response, the learned Additional Public Prosecutor submitted that, due to previous enmity, in connection with murder of A1's brother, this petitioner along with other accused in this case, on 22.05.2023, at about 08.15 hrs, near Thava canal, in Maamandur grave yard, assaulted the victim with deadly weapons. Therefore, he prays for



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dismissal of this bail petition.

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4. Considering the fact that, the substantial part of the investigation is completed and the petitioner is under judicial custody from 22.05.2023, this Court is inclined to grant bail to the petitioner and the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Cheyyar**, 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.

[c] the petitioner shall not abscond either during investigation or trial.



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[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.

24.07.2023

mpl



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To

- 1.The Judicial Magistrate, Cheyyar.
- 2.The Central Prison - Vellore.
- 3.The Inspector of Police,
Dusi Police Station,
Thiruvanamalai District – 631 702.
- 4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

mpl

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