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CrI.OP.No.21265 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.OP.No.21265 of 2023

Stephen @ Rajasekar

...Petitioner

Vs.

The State Rep by
Inspector of Police,
Grand Bazaar Police Station,
Puducherry.
(Crime No.128 of 2023)
...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with the case in
Crime No.128 of 2023 pending investigation on the file of the respondent
Police.

For Petitioner : M/s.S.Radhika

For Respondent : Mr.K.S.Mohan Doss
Public Prosecutor for Puducherry



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ORDER

The petitioner namely Stephen @ Rajasekar, who was arrested and remanded to judicial custody on 30.06.2023 for the offences punishable under Section 174 of Cr.P.C. @ under Sections 302, r/w.34 IPC in Crime No.128 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is falsely implicated in this case. The case in Crime No.128 of 2023 was originally registered under Section 174 of Cr.P.C. and subsequently, it was altered under Sections 302, r/w.34 IPC. He further submitted that, petitioner has no role in the murder of the deceased. Petitioner is in judicial custody from 30.06.2023. Thus, he prays for grant of bail.

3. Learned Public Prosecutor (Puducherry) opposes this petition, on the ground that, though, the first information report was originally registered under Section 174 of Cr.P.C., during investigation, it came to light through CCTV footage, that three accused came in a motor cycle from West to east direction and two of them got down from the motor



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cycle and assaulted the deceased brutally with hands and legs and injured him with knife and robbed money from him. As a result, deceased succumbed to injuries. The murder had happened on 27.06.2023 near Bank of Baroda at Puducherry Vellavar Street. Therefore, the first information report was altered from Section 174 Cr.P.C. to Sections 302, r/w. 34 of IPC.

4. This is the third bail petition filed by the petitioner. It is alleged in the FIR that, petitioner played vital role in the alleged offence by providing transport service to other accused, who had actually assaulted the deceased. Considering the duration of the custody of the petitioner ie., from 30.06.2023 and that substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner,

5. Accordingly, 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 No.II, Puducherry** and on further



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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 10.00.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].



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[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 229A IPC.

14.09.2023

Sma

To

1. Judicial Magistrate No.II, Puducherry.
2. Inspector of Police,
Grand Bazaar Police Station,
Puducherry.
3. Central Prison,
Puducherry.
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

Sma

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