



CrI.OP.No.21322 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.21322 of 2023

M.Dinesh

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
J3, Guindy Police Station,
Chennai.
(Crime No.464 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No.464 of 2023 on the file of respondent Police.

For Petitioner : Mr.D.Ashok Kumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.07.2023 for the offences punishable under Section 302 of IPC in Crime No.464 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is an innocent and he is falsely implicated in a case registered in Crime No. 464 of 2023 for the offences under Section 302 of IPC. Petitioner's name is not mentioned in the FIR and he is implicated based on the confessional statement of the co-accused. Investigation in this case is completed and final report is also filed. Petitioner is in judicial custody from 01.07.2023. Thus, this petition is filed seeking bail.

3.In response, the learned Additional Public Prosecutor submitted that, there are two fractions of rowdy groups. One group is headed by Guna @ Gunasekaran and other group is headed by one Robin. As per the version of the defacto complainant, Robin Group members often threatened the defacto complainant's son not to talk with Guna @ Gunasekaran. On 30.06.2023 at about 08.45.p.m., defacto complainant



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was informed that, one Udhaya Kumar, Manivannan, Kamesh and other some other members of Robin Groups had chased the defacto complainant's son with deadly weapons and then assaulted him and that caused the death the defacto complainant's son. Petitioner is one of the accused, who had actually assaulted the deceased with deadly weapon. Petitioner has one previous case registered in Crime No.134 of 2023 for the offences under Sections 147, 148, 341, 294(b), 323, 392, 397 and 506(ii) of IPC. Investigation in this case is completed and final is filed and it is yet to be taken on file by the learned Magistrate.

4. Considering the circumstances stated by the learned counsel appearing for the parties and in the First Information Report with regard to the background of the murder of the deceased and having regard to the fact that petitioner is in Judicial Custody from 01.07.2023 and that investigation in this case is completed and final report is filed, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on



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their 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 IX Metropolitan Magistrate, Saidapet** 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 10.00.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].

[f] If the accused thereafter absconds, a fresh FIR



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can be registered under Section 229A IPC.

20.09.2023

sma

To

1. IX Metropolitan Magistrate, Saidapet.
2. The Inspector of Police,
J3, Guindy Police Station,
Chennai.
3. Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras

G.CHANDRASEKHARAN. J.



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