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Crl.O.P.No.21945 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.21945 of 2023

Jaffer Hushain

...Petitioner

Vs.

State by
Inspector of Police,
Chengalpattu Town Police Station
Chengalpattu District
Crime No.337 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to grant bail to the petitioner in Crime No.337 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Jaikumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.07.2023 for the offence punishable under Sections 147, 148, 302



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r/w 34 of IPC in Crime No.337 of 2023 on the file of the respondent police, seeks bail.

2. It is the submission of the learned counsel for the petitioner that petitioner is falsely implicated in this case in Crime No.337 of 2023 for the offence under Sections 147, 148, 302 r/w 34 of IPC. Petitioner's name is not found in the First Information Report. He is the brother of the accused Anwar. When Anwar was not able to be secured by the respondent police, they apprehended the petitioner and implicated the petitioner as an accused in this case. The petitioner is in judicial custody from 14.07.2023. Thus, he seek bail.

3. In response, the learned Additional Public Prosecutor submitted that *de-facto* complainant's father is the deceased Nagaraj. The *de-facto* complainant's sister eloped with one Surya, who is A1 in this case. On the basis of the complaint given against Surya and the persons who had helped him, they were apprehended and remanded in prison. This lead to enmity between Surya and the *de-facto* complainant and his family members. Surya used to tell to the *de-facto* complainant's father and his family members that he would do away with them. On 09.07.2023, at



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about 09.00 p.m., when the *de-facto* complainant came back after purchasing camphor, he found accused Anwar, K.D.Maari, Karthik, Ajay, Kaavoor Viji and some others had assaulted his father with aruval and caused serious injuries, that lead to the death of his father.

4. The specific overt act against this petitioner is that he was watching the movement of the deceased and informed the accused for facilitating the murder of the deceased.

5. Considered the rival submissions and perused the records. The specific overt act alleged against the petitioner is that he watched the movement of the deceased and informed the other accused. The petitioner is in judicial custody from 14.07.2023. The substantial part of the investigation might have been completed by this time.

6. In the said circumstances, this Court is inclined to grant bail to the petitioner with conditions 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 **Judicial Magistrate Court No.1, Chengalpattu**, 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 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.

[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.

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To

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1. The Judicial Magistrate Court No.1,
Chengalpattu.

2. The Inspector of Police,
Chengalpattu Town Police Station
Chengalpattu District.

3. Central Prison,
Chennai.

4. The Public Prosecutor,
High court of Madras.



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G.CHANDRASEKHARAN, J.

mpl

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