



Crl.O.P.No.24312 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.24312 of 2023

1.Rakesh S/o. Ashokan
2.Dhanasekar @ Dhana S/o. Raman
3.Mohanraj S/o. Palaiyam
4.Dineshraj S/o. Kumaravel
5.Senthilkumar S/o. Venkatesan
6.Uthayakumar @ Barma Uthayakumar
S/o. Mathurai

...Petitioners/Accused 1 -6

Vs.

The State rep. by
The Inspector of Police,
R-10, M.G.R.Nagar Police Station,
Chennai.
(Crime No.148 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.148 of 2023 on the file of the respondent police on such terms and conditions.

For Petitioners : Mr.C.Manikandan

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)



CrI.O.P.No.24312 of 2023

WEB COPY

ORDER

The petitioners are A1 to A6 in Crime No.148 of 2023, registered under Sections 341, 294(b), 302, 506(ii) of IPC and subsequently altered to Sections 506(ii) r/w 120(b) of IPC. All the petitioners had been remanded to judicial custody on 24.04.2023.

2. There are two other accused, who are A7 and A8 and who had been granted bail. All these petitioners had been detained under Tamil Nadu Act 14 of 1982 but subsequently, the detention had been revoked.

3. It is the case of the prosecution that A1 and the deceased had previous enmity owing to business and other aspects. On the date of incident, when the deceased was having tea with his wife in a nearby tea shop, all the accused came over there and attacked, leading to the offence under Section 302 of IPC.

4. Even though A1 has no previous case but he had the main motive to commit the said offence under Section 302 IPC. A2 has 10 previous



CrI.O.P.No.24312 of 2023

cases against him, A3 has 4 previous cases against him, A4 and A5 have no previous case against them.

5.Taking all the factors into consideration and also the fact that the matter is now posted on 15.12.2023 for framing of charges, I am inclined to grant bail to the petitioners 3, 4, 5 and 6 alone with certain conditions:

6.Let the status continue till the defacto complainant/wife of the deceased is examined and cross-examined by the accused. At this stage, I am not inclined to grant bail to the petitioners 1 and 2. Accordingly, bail sought by the petitioners 1 and 2 stands dismissed. If there is any change in circumstance, certainly they can apply for bail.

7.Accordingly, the petitioners 3, 4, 5 and 6 are ordered to be released on bail on their executing separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties, each for a like sum to the satisfaction of the XXIII Metropolitan Magistrate, Saidapet, Chennai-15, and on further conditions that :-



CrI.O.P.No.24312 of 2023

WEB COPY

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioners 3, 4, 5 and 6 shall report before the XIX Additional Sessions Court, Chennai, in S.C.No.544 of 2023 is pending, every Monday at 10.30 a.m., until further orders. Apart from the Court hearing dates.

[c] the petitioners 3, 4, 5 and 6 shall not abscond either during investigation or trial.

[d] the petitioners 3, 4, 5 and 6 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

30.11.2023

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CrI.O.P.No.24312 of 2023

To

1. The XXIII Metropolitan Magistrate, Saidapet, Chennai-15.
2. The Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
R-10, M.G.R.Nagar Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.24312 of 2023

C.V.KARTHIKEYAN. J.

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Crl.O.P.No.24312 of 2023

30.11.2023