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Crl.OP.Nos.24263 & 24265 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM

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

Crl.OP.No.24263 & 24265 of 2023

G.Prakash S/o. Gunasekaran

... Petitioner in
Crl.O.P.No.24263 of 2023

R.Nandhagopal S/o. Ravi

... Petitioner in
Crl.O.P.No.24265 of 2023

Vs.

State by
The Inspector of Police,
P-6, Kodungaiyur Police Station,
Kodungaiyur,
Chennai – 600 118.
(Crime No.557 of 2023)

...Respondent in both the petitions

Prayer: Criminal Original Petitions filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner in both the petitions on bail concerned in
Crime No.557 of 2023 pending on the file of the respondent police.

(In both petitions)

For Petitioner : Mr.N.Chandran

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



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COMMON ORDER

The petitioner in both the petitions seek bail in Crime No.557 of 2023 registered by the respondent police for the offences punishable under Section 341, 294(b), 323, 397 & 506(ii) of IPC.

2. It is stated that all the accused were having food in the shop of the defacto complainant and at that time, there was a wordy quarrel. It is particularly stated that the petitioners, under the influence of alcohol, had attacked the defacto complainant and had also taken away Rs.500/- from the defacto complainant.

3. Taking into consideration these facts, I am inclined to grant bail to the 2nd accused/petitioner in Crl.O.P.No.24265 of 2023 alone with certain conditions. Further, the same consideration cannot be granted to the 1st accused/petitioner in Crl.O.P.No.24263 of 2023 since it is stated that there are two previous cases pending against him in which one is double murder case. Taking that antecedent, I am not inclined to grant bail to the 1st accused/petitioner in Crl.O.P.No.24263 of 2023.



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Accordingly, bail sought by the petitioner in Crl.O.P.No.24263 of 2023 stands dismissed.

4. Accordingly, the petitioner in Crl.O.P.No.24265 is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the X Metropolitan Magistrate, Egmore, Chennai, 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 in Crl.O.P.No.24265 of 2023 shall appear before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner in Crl.O.P.No.24265 of 2023 shall not abscond either during investigation or trial.

[d] the petitioner in Crl.O.P.No.24265 of 2023 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



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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

- 1.The X Metropolitan Magistrate, Egmore, Chennai.
- 2.Central Prison, Puzhal, Chennai.
- 3.The Inspector of Police,
P-6, Kodungaiyur Police Station,
Kodungaiyur, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

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