



Crl.O.P.No.25835 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2023

CORAM

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

Crl.O.P.No.25835 of 2023

Solomon Arasu Anilraj
S/o. Arasu Anilraj

...Petitioner/Accused-2

Vs.

State represented by the
The Inspector of Police,
P-6, Kodungaiyur Police Station,
Kodungaiyur, Chennai – 600 005.

(Crime No.389 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No. 389 of 2023 on the
file of respondent police on such terms and conditions.

For Petitioner : M/S.R.Ragini

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



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ORDER

The petitioner/A2 seeks bail in Crime No.389 of 2023, registered by the respondent police for the offences punishable under Section 302 of IPC. The petitioner had been remanded to custody on 30.07.2023.

2.The earlier bail application filed by the petitioner in Crl.O.P.No.23140 of 2023 had been dismissed by this Court on 09.10.2023.

3.The petitioner is arrayed as 2nd accused in the case. It is submitted by the learned Government Advocate (Crl. Side) that the deceased was the Aunt of the 1st accused. She was found dead in the second floor of the particular apartment. He also submitted that both the accused had gone over to the second floor, there she was murdered. It is further stated that it was recorded in the CCTV footage and it clearly shows the movement of the scooter and the present petitioner going upstairs.



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4.The learned counsel for the petitioner/2nd accused stated that the 1st accused is the one, who committed the actual act of murder and the petitioner herein had only dropped the 1st accused in the scooter. He further submitted that the petitioner is an innocent and he had not committed any offence as alleged and prayed for grant of bail.

5.There is one change in circumstance that final report has been filed and the same has been taken cognizance as S.C.No.600 of 2023 by the Mahila Court, Chennai.

6.In view of that particular fact and the fact that investigation is over and to provide an opportunity to the accused to defend his case during the course of trial, I am inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



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with two sureties, each for a like sum to the satisfaction of the X Metropolitan Magistrate Court, Egmore, Chennai, and on further conditions that :-

[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 petitioner shall report before the Trial Court on every Monday at 10.30 a.m., till completion of trial, apart from the Court hearing dates.

[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

1. The X Metropolitan Magistrate Court, Egmore, Chennai.
2. The Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
P-6, Kodungaiyur Police Station,
Kodungaiyur, Chennai – 600 005.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.
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