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Crl.O.P.No. 25060 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2023

CORAM

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

Crl.O.P.No.25060 of 2023

Rahul

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Arakonam Town Police Station.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner / Accused on bail in Crime No.380 of 2023
pending on the file of the respondent Police.

For Petitioner : Mr.V.Ramamurthy

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

ORDER

The petitioner who was arrested and remanded to judicial custody
on 09.08.2023, seeks bail in Crime No.380 of 2023, which was registered by
the respondent Police for the offences under Section 302 of IPC.

2.The case of the prosecution is that the deceased had purchased



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ganja from A1 and not paid the money for it and when money was sought, the deceased was spoken ill of the wife of A1.

3.The learned counsel for the petitioner stated that this is the second application for bail and the petitioner is a college student and he was not at all involved in the crime.

4.It is the specific case of the respondent that the petitioner was also present in the scene of occurrence.

5.Taking into consideration the investigation has been completed which is a change in circumstances of the case and only the FSL report is awaited, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, the petitioner 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 learned Judicial Magistrate, Arakkonam 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] It is also seen that the petitioner is a student



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studying BBA in St.Thomas College of Arts and Science, Koyambedu. The petitioner is involved in Crime No.380 of 2023 under Section 302 of IPC should be intimated by the Judicial Magistrate on filing of the final report to the concerned College and the registration of the First Information Report against the petitioner must be registered in the College Register;

[b] the petitioner shall report before the concerned Judicial Magistrate, everyday, till committal and thereafter, as directed by the Sessions Court;

[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.

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To

1. The Judicial Magistrate, Arakkonam.
2. The Inspector of Police,
Arakkonam Town Police Station.
3. The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN, J.



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