



WEB COPY



Crl.O.P.No. 24816 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.24816 of 2023

Boopathi

... Petitioner

Vs.

The State rep by
The Inspector of Police,
H-4, Korukkupet Police Station,
Chennai.

Crime No.71 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner / Accused on bail in Crime No.71 of 2023

pending on the file of the respondent Police.

For Petitioner : Mr.D.Padmanabhan

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

ORDER

The petitioner/A2 who was arrested and remanded to judicial custody on 21.04.2023, seeks bail in Crime No.71 of 2023, which was registered by the respondent Police for the offences under Section 302 of



2.It is stated by the learned counsel for the petitioner that the petitioner had also been detained under Act 14 of 1982 and and subsequently, the said detention order had been quashed by the Division Bench of this Court in H.C.P.No.1373 of 2022 dated 11.10.2023. It is also stated that the other accused have been granted bail.

3.It is the case of the prosecution that the deceased had earlier faced trial for the murder of the father of A1 and that case entered in acquittal. Thereafter, all the accused joined together and murdered the deceased.

4.It is stated that the investigation has been completed and the final report report had been filed which had been taken cognizance as P.R.C.79 of 2023 before the learned XV Metropolitan Magistrate, George Town.

5.Taking into consideration the period of incarceration and also of the fact that the other accused have been granted bail, 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



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XV Metropolitan Magistrate, George Town, 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 shall report before the XV Metropolitan Magistrate, George Town, everyday, till the date of committal and thereafter, report before the Sessions Court, everyday, till the date of framing charges 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].



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[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 229A IPC.

03.11.2023

vkf

To

1. The XV Metropolitan Magistrate, George Town.
2. The Inspector of Police,
H-4, Korukkupet Police Station,
Chennai.
3. The Central Prison II, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

vkr

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