



Crl.O.P.No.25176 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2023

CORAM

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

Crl.O.P.No.25176 of 2023

Rajasekar

... Petitioner/Accused-2

Vs.

State by
The Inspector of Police,
R.K.Pettai Police Station,
Tiruvallur District.

(Crime No.518 of 2023)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner on bail concerned in Crime No.518 of
2023 on the file of the respondent police.

For Petitioner : Mr.S.Senthil Murugan

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



CrI.O.P.No.25176 of 2023

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ORDER

The petitioner/A2 seeks bail in Crime No.518 of 2023, originally registered under Section 174(iii) of Cr.P.C., @ 450, 302 & 115 of IPC. The petitioner had been remanded to judicial custody on 06.08.2023.

2.It is the case of the prosecution that the daughter of the defacto complainant was originally married to one Murali, seven years ago and thereafter, they got divorced and later, she was staying with the defacto complainant. The daughter again married one Perumal on June 2023.

3.It is stated that the defacto complainant received a phone call from the said Perumal saying that that her daughter's head had been cut by using knife and died while taking her to hospital.

4. It had been stated that A3 is the 1st wife of said Perumal and taking umbrage that the daughter of the defacto complainant is living with the said Perumal, she instigated the accused to commit the offence and later the deceased died. The petitioner is the friend of A1, who is the brother of A3.



Crl.O.P.No.25176 of 2023

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5. Taking into the consideration the fact that investigation had been completed to the substantial extent and that the period of incarceration undergone by the petitioner, I am inclined to grant bail to the petitioner herein subject to the following 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 Judicial Magistrate, Pallipattu, 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 respondent police everyday at 10.30 a.m., until further orders.

[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.



Crl.O.P.No.25176 of 2023

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[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.

06.11.2023

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CrI.O.P.No.25176 of 2023

To

1. The Judicial Magistrate, Pallipattu.
2. The Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
R.K.Pettai Police Station,
Tiruvavarur District.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.



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Crl.O.P.No.25176 of 2023

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Crl.O.P.No.25176 of 2023

06.11.2023