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Crl.O.P.No. 25321 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.25321 of 2023

1.Deva @ Devaraj
2.Sathish
3.Santhosh

... Petitioners

Vs.

The Inspector of Police,
H-8, Thiruvottiur Police Station,
Chennai.
Crime No.259 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners / Accused on bail in Crime No.259 of 2023
pending on the file of the respondent Police.

For Petitioners : Mr.V.Saravanan

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

ORDER

The petitioners who were arrested and remanded to judicial
custody on 22.04.2023, seek bail in Crime No.259 of 2023, which was



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registered by the respondent Police for the offences under Sections 147, 148, 341, 323, 324, 307 and 302 of IPC.

2.The petitioners are arrayed as A1, A4 and A8.

3.It is stated that the petitioners had been detained under Act 14 of 1982 and subsequently, the said detention order had been quashed by the Division Bench of this Court in H.C.P.Nos.1076, 1078 & 1080 of 2023. It is also stated by the learned counsel that the other accused have been granted bail.

4.It is the case of the prosecution that the petitioners had caused grievous injuries to the victim who subsequently died while going to the hospital.

5.It is stated by the respondent that the investigation has been completed and now the matter is pending as P.R.C.No.47 of 2023 before the Judicial Magistrate, Thiruvottiyur.

6.Taking all the factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate bond for a sum of Rs.10,000/- (Rupees Ten



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Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvottiyur 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 petitioners shall report before the Judicial Magistrate, Thiruvottiyur, everyday, till the date of committal and thereafter, report before the Sessions Court, everyday, till framing of charges and thereafter, as directed by the Sessions Court;

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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To

1. The Judicial Magistrate, Thiruvottiyur.
2. The Inspector of Police,
H-8, Thiruvottiyur Police Station,
Chennai.
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

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