



Crl.O.P.No.25274 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.25274 of 2023

Gnanasekar @ Sandy

... Petitioner/Accused

Vs.

State by
The Inspector of Police,
Somangalam Police Station,
Kanchipuram District.

(Crime No.89 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.89 of
2023 on the file of the respondent police.

For Petitioner : Mr.Prem Anandhan

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



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ORDER

The petitioner/A3 seeks bail in Crime No.89 of 2023, registered by the respondent police for the offences punishable under Sections 147, 148, 294(b), 449, 506(ii) & 307 of IPC r/w Section 25(1A) of Arms Act, with respect to an offence, which took place on 14.06.2023. The petitioner had been remanded to judicial custody on 26.09.2023.

2. Very specifically, a copy of the order of this Court should be forwarded to Judicial Magistrate Sriperumbadur to specifically state that this order should not enure to A1, who had been arrested on 01.11.2023.

3. The case of the prosecution is that the defacto complainant was originally working as driver under A1, who is a history sheeter and the defacto complainant knew about all the activities of A1.

4. It is stated that on the fateful day, when the defacto complainant was coming to the Court all the accused saw him and chased him but he managed to escape.



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5. The learned counsel for the petitioner stated that one of the accused had been granted bail but there are also two other accused, who are still absconding.

6. In so far as this petitioner is concerned, it stated that the petitioner is a law student of Vels University.

7. The learned counsel for the petitioner states that exams are in progress and that the petitioner was not at all present in the place of occurrence.

8. It is contended by the learned Government Advocate (Crl. Side) for the respondent that based on the confession statement, the petitioner had been arrayed as an accused.

9. Taking all these factors into consideration, I am inclined to grant bail to the petitioner herein subject to the following conditions:

10. 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, Sriperumbudur, and on further conditions that:



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[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 Morning at 10.00 a.m., Afternoon at 2.00 p.m., and Evening at 5.30 p.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.

[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.

11. The learned Judicial Magistrate at Sriperumbudur, may



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forward a copy of this order to the Principal, Vels University, where the petitioner is studying and direct the Principal, Vels University to note down the fact in the records of the petitioner that he is an accused in Crime No.89 of 2023, registered by the Inspector of Police, Somangalam Police Station, Kanchipuram District, for the offences punishable under Sections 147, 148, 294(b), 449, 506(ii) & 307 of IPC r/w Section 25(1A) of Arms Act, and that the said fact should be reflected in every certificate of the petitioner.

06.11.2023

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To

1. The Judicial Magistrate, Sriperumbudur.
2. The Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
Somangalam Police Station,
Kanchipuram District.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

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