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Crl.O.P.No.25535 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

CORAM

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

Crl.O.P.No.25535 of 2023

1.V.Munusamy

2.G.Dinesh @ Dineshkumar

... Petitioner/Accused A6 & 7

Vs.

State by

The Inspector of Police,
Sriperumbudhur Police Station,
Kanchipuram District.

(Crime No.977 of 2023)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioners on bail concerned in Crime No.977 of
2023 on the file of the respondent police.

For Petitioners : Mr.M.D.Ilayaraja

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



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ORDER

The petitioners/A6 & A7 seek bail in Crime No.977 of 2023, registered by the respondent police for the offences punishable under Sections 120(B) & 302 of IPC r/w Section 3 of Indian Explosive Substance Act, 1908, altered into Sections 120(B), 147, 148, 341, 302 & 201 of IPC r/w Section 3 of Indian Explosive Substance Act, 1908. They had been remanded to judicial custody on 13.09.2023.

2. It is the case of the prosecution that the deceased was earlier involved in murder of one Stephen. It is stated that when the deceased was proceeding towards Perambakkam to Mevalurkuppam junction in an auto, a car came and hit the auto and when the deceased try to run away, the accused 1 to 5 had committed the act of murder.

3. In so far as these petitioners are concerned, on the basis of the confession statement of A14, who was travelling in the auto along with the deceased and informed about the movement of the deceased, the name of these petitioners were added.

4. It is stated that the 1st petitioner was present in the scene of



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occurrence and the 2nd petitioner, had contact over phone after the incident.

5. The learned counsel for the petitioner states that both the petitioners have suffered injuries and stated that they are taking treatment at Stanley Government Hospital and Prison Hospital.

6. It is seen that the A14 had been detained under Act 14 of 1982.

7. Taking into consideration the specific overt act as against the petitioners, who were implicated only based on the confession of A14, I am inclined to grant bail to the petitioners herein subject to the following conditions:

8. Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Sriperumbudur, 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.



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[b] the petitioners shall report before the respondent police everyday Morning at 10.30 a.m., and Evening at 5.30 p.m., until further orders.

[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].

[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, Sriperumbudur.
2. The Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
Sriperumbudhur Police Station,
Kanchipuram District.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

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