



Crl.O.P.No.26274 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2023

CORAM

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

Crl.O.P.No.26274 of 2023

V.Santhoshkumar

...Petitioner

Vs.

State represented by the
The Inspector of Police,
C1, Sriperumbudur Police Station,
Kanchipuram District.
(Crime No.977 of 2023)
...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.977 of 2023 on the file of respondent police on such terms and conditions.

For Petitioner : Mr.P.Baskaran

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

ORDER

The petitioner seeks bail in Crime No.977 of 2023, registered by the respondent police for the offences punishable under Sections 120(B)



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and 302 of IPC r/w Section 3 of Indian Explosive Substance Act, 1908.

He 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.Insofar as this petitioner is concerned, the petitioner had given shelter to the car which was involved in the offence.

4.It is stated by the learned counsel for the petitioner that the overt act attributed against the petitioner is quite similar to that of A6 and A7 for whom, the bail had been granted by this Court in Crl.O.P.No.25535 of 2023 by an order dated 07.11.2023.

5.Taking into consideration the period of incarceration and also of the fact that A6 and A7 had 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 his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand



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only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.II, Sriperumbudur, and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report before the respondent Police, daily 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.

[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.

17.11.2023

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C.V.KARTHIKEYAN. J.

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To

1. The Judicial Magistrate No.II, Sriperumbudur.
2. The Central Prison, Puzhal.
3. The Inspector of Police,
C1, Sriperumbudur Police Station,
Kanchipuram District.
- 4.The Public Prosecutor,
High Court of Madras.

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