



Crl.O.P.No.27871 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

CORAM

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

Crl.O.P.No.27871 of 2023

Y.Augustin Arun S/o. Yuvaraj

...Petitioner/Accused-1

Vs.

State represented by the
The Inspector of Police,
P-6, Kodungaiyur Police Station,
Kodungaiyur, Chennai – 600 005.

(Crime No.389 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. 389 of 2023 on the file of respondent police on such terms and conditions.

For Petitioner : Mr.R.Dineshkumar

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



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ORDER

The petitioner/A1 seeks bail in Crime No.389 of 2023, registered by the respondent police for the offences punishable under Section 302 of IPC. The petitioner had been remanded to custody on 30.07.2023.

2.It is stated that the deceased who is aunt of the petitioner herein, had a defect in her left leg since childhood. It is stated that on 29.07.2023 the petitioner herein and the second accused had gone up the stairs of the house and thereafter, had committed the offence of murder.

3.The stand of the second accused therein was that the petitioner herein is the one who committed the actual act of murder and the second accused had only dropped the petitioner herein the scooter. But the CCTV footages clearly reveals that both the accused had gone up the stairs of the house where the murder was done.

4.This Court had thereafter considered the bail application of the 2nd accused in Crl.O.P.No.25835 of 2023 and by order dated 13.12.2023 had granted bail.



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5. There is one change in circumstance that investigation has been completed and final report has also been filed and the same has been taken cognizance as S.C.No.600 of 2023 by the Mahila Court, Chennai.

6. In view of that particular fact and the fact that investigation is over and to provide an opportunity to the accused to defend his case during the course of trial, I am inclined to grant bail to the petitioner subject to the following conditions:

7. 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 only) with two sureties, each for a like sum to the satisfaction of the X Metropolitan Magistrate Court, Egmore, Chennai, 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 Trial Court on every Monday at 10.30 a.m., till completion of trial, apart from the Court hearing dates.



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[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.

13.12.2023

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To

1. The X Metropolitan Magistrate Court, Egmore, Chennai.
2. The Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
P-6, Kodungaiyur Police Station,
Kodungaiyur, Chennai – 600 005.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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