



CrI.O.P.No.28035 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

CORAM

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

CrI.O.P.No.28035 of 2023

Sanjay @ Mani S/o. Arputharaj

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Puzhal Police Station,
Chennai.

(Crime No.631 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.631 of
2023 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.M.Jai Sidharthan

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



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ORDER

The petitioner seeks bail in Crime No.631 of 2023, registered by the respondent police for the offences punishable under Sections 324 and 302 of IPC. The petitioner had been remanded to custody on 21.09.2023.

2.It is case of the prosecution that the defacto complainant had stated that her son/deceased was addicted to liquor and living separated from his wife. On 20.09.2023, the defacto complainant went to the house of the deceased and saw him drinking along with the accused herein. There was a quarrel in which the deceased had used a wooden log and the accused herein attacked the deceased with iron rod. The deceased had suffered injuries over the head and died on the spot. He was actually murdered in front of his mother.

3.The learned counsel for the petitioner stated that it is a put up case and the petitioner was not at all involved in any of the offence.

4.On the side of the respondent, it is stated that there are 5 previous cases against the petitioner.



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5.The previous bail application of the petitioner in Crl.O.P.No.27175 of 2023 had been dismissed on 01.12.2023. There is one significant change in circumstance namely that final report had been filed and the same had been taken cognizance as PRC.No.34 of 2023 by the District Munsif cum Judicial Magistrate, Madhavaram, Thiruvallur District.

6.In view of that particular fact, 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 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 District Munsif cum Judicial Magistrate, Madhavaram, Thiruvallur, 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 petitioner shall appear before the Trial Court during the Court hearing dates.

[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.

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To

- 1.The District Munsif cum Judicial Magistrate, Madhavaram, Thiruvallur.
2. The Central Prison, Puzhal Chennai.
- 3.The Inspector of Police,
Puzhal Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.



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