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CrI.O.P.No.797 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM

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

CrI.O.P.No.797 of 2024

Mahendran

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Madhuravoyal Police Station, Chennai
Crime No.769 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the Petitioner on bail in Crime No.769 of 2023 on the file of
the respondent Police.

For Petitioner : Mr.D.Magesh

For Respondent : Mr.L.Baskaran
Government Advocate (crl.side)

ORDER

The Petitioner who was arrested and remanded to judicial custody
on 16.10.2023 for the offences registered under Sections 147, 148, 294(b),
302, 336, 341 and 506(2) of IPC, in Crime No.769 of 2023 on the file of the
respondent Police, seeks bail.



Crl.O.P.No.797 of 2024

2.It is stated that when the defacto complainant, her husband, who is the deceased and her children were travelling in an auto in Mylapore, all the accused had come there, pulled down the deceased and murdered him in front of his own wife and children.

3.So far as this petitioner is concerned, the overt act as against him is that he had informed the other accused about the movements of the deceased.

4.It is stated by the learned Government Advocate (Crl. Side) for the respondent that call details had been taken up and the same had been verified that the petitioner was in contact with the other accused persons.

5.The earlier application for bail filed by the petitioner in Crl.O.P.No.27658 of 2023 was dismissed by this Court on 08.12.2023. The significant change in circumstance is that the investigation has been completed and final report had also been filed before the Judicial Magistrate No.II, Poonamallee and the same has been taken cognizance as P.R.C.No.05 of 2024 on 04.01.2024. The copies had also been served to the accused and the matter has also been committed to the Court of Sessions. It is also seen that this Court had also granted bail to one of the accused namely A12 on 11.01.2024 in Crl.O.P.No.28190 of 2023.



CrI.O.P.No.797 of 2024

WEB COPY

6.Taking all the factors into consideration and the period of incarceration, 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 learned Judicial Magistrate No.II, Poonamallee 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.

[b]the Petitioner shall report before the respondent Police, everyday at 6.30 p.m., until further orders and petitioner shall also report before the Sessions Court, everyday, at 10.30 a.m., till framing of charges and thereafter, appear 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



CrI.O.P.No.797 of 2024

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.

22.01.2024

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To

- 1.The Judicial Magistrate No.II, Poonamallee.
- 2.The Central Prison, Puzhal.
- 3.The Inspector of Police,
Madhuravoyal Police Station, Chennai
4. The Public Prosecutor, High Court of Madras.



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Crl.O.P.No.797 of 2024

C.V.KARTHIKEYAN,J.

vkr

Crl.O.P.No.797 of 2024

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