



CrI.O.P.No.1928 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

CORAM

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

CrI.O.P.No.1928 of 2024

1.Rakesh

2.Dhanasekar @ Dhana

...Petitioners/Accused

Vs.

State represented by
The Inspector of Police,
R-10, M.G.R Nagar Police Station,
Chennai.

(Crime No.148 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail concerned in S.C.No.544 of 2023 on the file of the XIX Additional Sessions Judge, Chennai, on such terms and conditions.

For Petitioners : Mr.G.Mageshkumar

For Respondent : Mr.L.Baskaran
Government Advocate (CrI. Side)



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ORDER

The petitioners/A1 and A2 in S.C.No.544 of 2023, now pending before the XIX Additional Sessions Judge, Chennai, seek bail. Originally, Crime No.148 of 2023 had been registered for the offences under Sections 147, 148, 341, 294(b), 302, 506(ii) r/w 120(b) of IPC. The petitioner had been remanded to custody on 28.04.2023.

2.It is stated that these petitioners/A1 and A2 had been detained under Tamil Nadu Act 14 of 1982 but subsequently, the detention had been revoked.

3.It is the case of the prosecution that A1 and the deceased had previous enmity owing to business and other aspects. On the date of incident, when the deceased was having tea with his wife in a nearby tea shop, all the accused came over there and attacked, leading to the offence under Section 302 of IPC.



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4. Even though A1 has no previous case but he had the main motive to commit the said offence under Section 302 of IPC. A2 has ten previous cases.

5. It is stated that investigation has been completed and final report has also been filed and after being committed, it is now pending before the XIX Additional Sessions Judge, Chennai, as S.C.No.544 of 2023. It is also stated that charges have been framed and this is the second bail application seeking bail.

6. The earlier application seeking bail for A1 to A6 in CrI.O.P.No.24312 of 2023 came up for consideration before this Court and this Court, by an order dated 30.11.2023 had granted bail to A3 to A6 and dismissed for these two petitioners.

7. The one significant change in circumstance is that charges have been framed and the matter is now posted for trial.



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8. Taking into consideration the period of incarceration and all other factors, I am inclined to grant bail to the petitioners subject to the following conditions:

9. 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 Metropolitan Magistrate, Chennai, 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 petitioners shall appear before the XIX Additional Sessions Court, Chennai, on every Monday at 10.30 a.m., for a period of four weeks, apart from the Court hearing dates and thereafter, during the Court hearing dates.

[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.



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[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.

01.02.2024

ata

To

1. The Metropolitan Magistrate, Chennai.
2. The Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
R-10, M.G.R Nagar Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.
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