



Crl.O.P.No.2049 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM

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

Crl.O.P.No.2049 of 2024

A.Karthik

...petitioner

Vs.

State represented by
The Inspector of Police,
Baluchettychatram Police Station,
Kancheepuram District.
Crime No.949 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.949 of 2023 on the file of the respondent Police.

For petitioner : Mr.A.Saranraj

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 13.11.2023 for the offences registered by the respondent Police under Sections 294(b), 364 and 302 of IPC in Crime No.949 of 2023, seeks bail.



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2.It is stated that on 12.11.2023, the accused had taken the son of the defacto complainant in his two wheeler and later, on searching, the son of the defacto complainant was found dead with cut injuries. There was a previous enmity owing to them, the petitioner had committed the murder of the son of the defacto complainant.

3.The learned Government Advocate (crl.side) stated that the investigation has been completed and final report had also been filed before the Judicial Magistrate No.I, Kancheepuram on 22.01.2024. It is also stated that the defacto complainant has feared over his security.

4.Taking all the factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

5. Accordingly, the petitioner is ordered to be released on bail on executing a 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 learned Judicial Magistrate No.I, Kanchipuram 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 stay at Trichy and report before the Inspector of Police, Cantonment Police Station, everyday at 10.30 a.m., apart from the Court hearings, until further orders and definitely till the main witnesses and other witnesses of the prosecution are examined.

[c] the defacto complainant may file necessary application under the Witness Protection Scheme before the Judicial Magistrate No.I, Kanchipuram at the time of committal, if the charge sheet had been taken cognizance. Necessary orders shall be passed either by the Judicial Magistrate No.I, Kanchipuram or after the matter has been committed, by the Sessions Court, where the matter is committed.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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



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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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

27.02.2024

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To

1. The Judicial Magistrate No.I, Kanchipuram.
2. The Central Prison, Puzhal.
3. The Inspector of Police,
Cantonment Police Station, Trichy.
4. The Inspector of Police,
Baluchettychatram Police Station,
Kancheepuram District.
5. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

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