



Crl.O.P.No.1580 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM

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

Crl.O.P.No.1580 of 2024

Vairamuthu S/o. Ramesh Babu

...Petitioner/Accused-2

Vs.

State represented by
The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai-600 013.

(Crime No.541 of 2022)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in S.C.No.117 of 2023 on the file of the XVII Additional Sessions Court, Chennai, on such terms and conditions.

For Petitioner : Mr.Thirukannan

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



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ORDER

The petitioner/A2 in S.C.No.117 of 2023, now pending before the XVII Additional Sessions Judge, Chennai, seeks bail. Originally, Crime No.541 of 2022 had been registered for the offences under Sections 302, 302 r/w 34 of IPC.

2.It is stated that there are two accused and the petitioner is A2. It is stated that a Non-bailable warrant had been issued on 04.09.2023 and the petitioner had been remanded to custody on 09.10.2023.

3.The trial had commenced and L.W.1 to L.W.4 had been examined.

4.One of the objection raised by the learned Government Advocate (CrI. Side) for the respondent is that the petitioner was in custody and he had threatened L.W.1 to L.W.4 but the evidence of L.W.1 to L.W.4 had been recorded.

5.Taking all the factors into consideration and the fact that the



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petitioner should be given an opportunity to face trial, I am inclined to grant bail to the petitioner subject to the following conditions:

6. 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 (one surety must be a fresh surety and another surety must be blood relative of the petitioner), each for a like sum to the satisfaction of the XVII Additional Sessions Judge, 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 petitioner shall appear before the XVII Additional Sessions Judge, Chennai, on every Monday at 10.30 a.m., till completion of trial, apart from 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



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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.

30.01.2023

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To

1. The XVII Additional Sessions Judge, Chennai.
2. The Superintendent, Central Prison – II, Puzhal, Chennai.
3. The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai-600 013.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.
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