



Crl.O.P.No.1596 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

CORAM

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

Crl.O.P.No.1596 of 2024

1.Rabin @ Robin

2.Karthick @ Irula Karthick

...Petitioners/Accused 3 & 4

Vs.

State represented by
The Inspector of Police,
J-3, Guindy Police Station,
Chennai-600 032.

(Crime No.464 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.562 of 2023 on the file of the VII Additional Judge, Chennai, on such terms and conditions.

For Petitioners : Mr.N.Arunkumar

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



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ORDER

The petitioners/A3 and A4 in Crime No.464 of 2023, registered for the offences under Sections 147, 148, 149, 302 and 120(B) of IPC, seek bail. They had been remanded to judicial custody on 04.07.2023 under PT warrant.

2.It is stated that subsequent to investigation, charge sheet had been filed and the same had been taken cognizance and also the matter had been committed to the Court of Sessions and trial is now pending before the VII Additional Judge, Chennai, in S.C.No.562 of 2023.

3.It is stated that all the accused had been granted bail either by this Court or by the Principal Sessions Court and except the accused who is absconding but it is stated that a Non-bailable warrant is pending against him.

4.It is the case of the prosecution that there are two fractions of rowdy groups. Once group is headed by Guna @ Gunasekaran and other group is headed by one Robin. As per the version of the defacto complainant, Robin group members often threatened the defacto complainant's son not to talk with Guna @ Gunasekaran. On 30.06.2023



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at about 08.45 p.m., the defacto complainant was informed that, one Udhayakumar, Manivannan, Kamesh and other some other members of Robin groups had chased the defacto complainant's son with deadly weapons and then assaulted him and that caused death of the defacto complaint's son.

5.The overt act against these petitioners is that they instigated the other members of the unlawful assembly to commit the murder. It is also stated that these two petitioners had been detained under Tamil Nadu Act 14 of 1982 but subsequently, the said detention order had been revoked by a judicial order.

6.Taking into consideration the period of incarceration and also that an opportunity has to be given for trial purposes, I am inclined to grant bail to the petitioners subject to the following conditions:

7.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 VII Additional Sessions Judge, Chennai, and on



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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 report before the Trial Court on every Monday at 10.30 a.m., apart from the Court hearing dates, till completion of trial.

[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.

[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.

07.02.2024

ata

C.V.KARTHIKEYAN. J.

