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Crl.O.P.No.1831 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

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

Crl.O.P.No.1831 of 2024

Selvam S/o. Elumalai

... Petitioner-11

Vs.

The State represented by
The Inspector of Police,
T-4, Madhuravoyal Police Station,
Tiruvallur.

(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 P.R.C.No.5 of 2024 on the file of the Principal District and Sessions Judge, Thiruvallur, on such terms and conditions.

For Petitioner : Mr.V.C.Janarthanan
for Mr.R.Karthick

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



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ORDER

The Petitioner/A11 in Crime No.769 of 2023, registered by the respondent for the offences registered under Sections 147, 148, 341, 294(b), 336, 302 and 506(ii) r/w 120B of IPC, seeks bail. The petitioner had been remanded to custody on 15.01.2023.

2.This Court had earlier granted bail to A10 and A12.

3.It is the case of the prosecution 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.

4.So far as this petitioner is concerned, the overt act as against him is that he had followed up the auto and informed about the movements of the deceased.

5.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.

6.It is now stated that there is a significant change in circumstance



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that the investigation has been completed and final report has also been filed before the Judicial Magistrate II, Poonamallee, and the same has been taken cognizance as P.R.C.No.5 of 2024 on 04.01.2024.

7.Taking all the factors into consideration, I am inclined to grant bail to the petitioner subject to the following conditions:

8.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.



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[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 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.

31.01.2024

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To

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

C.V.KARTHIKEYAN,J.

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