



Crl.O.P.No.2622 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM

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

Crl.O.P.No.2622 of 2024

Rajesh

...Petitioner/Accused-5

Vs.

State represented by
The Inspector of Police,
M-6, Manali Police Station,
Chennai.

(Crime No.578 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.578 of
2023 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.S.Gokulakannan

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



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ORDER

The petitioner/A5 in Crime No.578 of 2023, registered originally under Section 174 Cr.P.C., and later altered to Sections 147, 148, 341, 365, 302, 201 r/w 109 of IPC, seeks bail. The petitioner had been remanded to judicial custody on 12.12.2023.

2.It is the case of the prosecution that the petitioner and the other accused persons came to the house of the defacto complainant by an auto and asked why the deceased had stolen the pig of A1 and took the deceased in the auto. Thereafter, the body of the deceased was recovered from the roadway.

3.The specific overt act as against this petitioner is that he came in a motorcycle and picked up the deceased.

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

5.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 Judicial Magistrate, Thiruvottiyur, and on further conditions that: -



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[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 10.30 a.m., until further orders.

[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 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.

08.02.2024

ata

C.V.KARTHIKEYAN. J.
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To



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1. The Judicial Magistrate, Thiruvottiyur.
2. The Central Prison – II, Puzhal.
3. The Inspector of Police,
M-6, Manali Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.

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