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Crl.O.P.Nos.3328 & 3329 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

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

Crl.O.P.Nos.3328 & 3329 of 2024

Pradeep

... Petitioner/A6
in Crl.O.P.No.3328 of 2024

1.V.Vishal Ram
2.R.Magesh

... Petitioner/A4 & A5
in Crl.O.P.No.3329 of 2024

Vs.

1.The State represented by
The Inspector of Police,
M-4, Red Hills Police Station,
Chennai – 600 052.

2.The State represented by
The Inspector of Police,
M-2, Milk Colony Police Station,
Madhavaram, Chennai – 600 051.

(Crime No.1221 of 2023)

... Respondents in both Crl.O.Ps

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C., prayed to enlarge the petitioners on bail in Crime No.1221 of 2023 on the file of the respondent.



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(In Crl.O.P.No.3328 of 2024)

For Petitioner : Mr.A.Logesh

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

(In Crl.O.P.No.3328 of 2024)

For Petitioners : Mr.R.Ganeshkumar

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

COMMON ORDER

The petitioners/A4 and A5 have filed Crl.O.P.No.3329 of 2024 and the petitioner/A6 has filed Crl.O.P.No.3328 of 2024, both in Crime No.1221 of 2023, registered by the respondent for the offences under Sections 341, 147, 148, 302 and 506(ii) of IPC with respect to an occurrence which took place on 20.11.2023, seek bail. A4 and A5 had been remanded to judicial custody on 22.11.2023 and A6 had been remanded to judicial custody on 23.11.2023. Originally, FIR was registered by M-4, Red Hills Police Station and subsequently, investigation has been transferred to M-2, Milk Colony Police Station, Madhavaram, Chennai.



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2.It is the case of the prosecution that owing to previous enmity, all the accused had intercepted the deceased and had attacked with weapons causing death at the spot. The previous enmity was that the deceased was accused of causing the death of the father of A1.

3.In the counter affidavit, it is stated that the accused persons had planned to commit the murder and intercepted the deceased. It is stated that this incident occurred immediately after the deceased had been released from jail.

4.The earlier application seeking bail in Crl.O.P.Nos.278 & 775 of 2024 had been dismissed on 30.01.2024.

5.Counter affidavit had been filed wherein it is stated that investigation has been taken over by the Inspector of Police, M-2, Milk Colony Police Station, Thiruvallur District. It is also stated that some more witnesses will have to be examined and the Post Mortem report will have to be collected but one significant change is that the petitioner was in custody for nearly about 86 days as on date. The right to be granted statutory bail would accrue within four days.



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6.Taking all the factors into consideration, I am inclined to grant bail to the petitioners in both the petitions subject to the following conditions:

7.Accordingly, the petitioners are ordered to be released on bail on their executing 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 **Judicial Magistrate, Madhavaram**, 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 petitioners shall stay at Tiruchirappalli District and report before the Palakarai Police Station, Tiruchirappalli, everyday at 10.30 a.m., for a period of twenty days and thereafter, report before the 2nd respondent police everyday at 10.30 a.m., until further orders.

[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.



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[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.

16.02.2024

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Crl.O.P.Nos.3328 & 3329 of 2024

C.V.KARTHIKEYAN, J.

ata

To

- 1.The Judicial Magistrate, Madhavaram.
- 2.The Inspector of Police,
M-4, Red Hills Police Station,
Chennai – 600 052.
- 3.The Inspector of Police,
M-2, Milk Colony Police Station,
Madhavaram, Chennai – 600 051.
- 4.The Central Prison, Puzhal.
5. The Public Prosecutor,
High Court of Madras.

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