



Crl.O.P.No.4464 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM

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

Crl.O.P.No.4464 of 2024

S.Prakash

...petitioner

Vs.

State represented by
The Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri District.
Crime No.31 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in P.R.C.No.21 of 2023 in Crime No.31 of 2023 pending on the file of the Judicial Magistrate No.II, Krishnagiri.

For petitioner : Mr.A.Saranraj

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

ORDER

The petitioner/A2 is an accused in P.R.C.No.21 of 2023 now pending before the Judicial Magistrate No.II, Krishnagiri.

2. Originally, Crime No.31 of 2023 had been originally registered



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by the respondent Police under Section 174 Cr.P.C and subsequently, altered to Sections 120(B), 201 and 302 of IPC.

3.Non Bailable Warrant was issued against the petitioner on 19.10.2023 and the petitioner was remanded to judicial custody on 12.12.2023.

4.It is stated that A1, against whom, Non Bailable Warrant was issued had thereafter surrendered and the same was recalled by the learned Judicial Magistrate No.II, Krishnagiri.

5.The learned Government Advocate (crl.side) stated that all the accused are regularly appearing before the Court.

6.Taking all the factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on executing a 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 No.II, Krishnagiri and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate



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may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the Judicial Magistrate No.II, Krishnagiri, every day at 10.30 a.m., till P.R.C.No.21 of 2023 is committed and thereafter, every Monday before the Sessions Court, apart from the Court hearing dates, till completion of the trial.

[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.

04.03.2024

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C.V.KARTHIKEYAN. J.



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To

1. The Judicial Magistrate No.II, Krishnagiri.
2. The Central Prison, Salem.
3. The Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri District.
4. The Public Prosecutor, High Court of Madras.

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