



Crl.O.P.No.4164 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM

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

Crl.O.P.No.4164 of 2024

Srinivasan

...petitioner

Vs.

State represented by
The Inspector of Police,
Thirukalukundram Police Station,
Chengalpattu District.
Crime No.09 of 2024.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.09 of 2024 on the file of the respondent Police.

For petitioner : Mr.R.Vivekananthan

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 08.01.2024 for the offences registered by the respondent Police under Sections 294(b), 323, 324, 506(ii) IPC and altered to Sections 294(b),



Crl.O.P.No.4164 of 2024

323, 324, 506(ii) and 307 IPC and subsequently alter to Sections 294(b), 323, 324, 506(ii) and 302 of IPC in Crime No.09 of 2024, seeks bail.

2.The deceased is the brother of A2. The petitioner is arrayed as A1. It is stated that there was an existing land dispute between A2 and the deceased and this had spread over to the family members. It is further stated that A1 and A2 had joined together and committed the murder of the deceased. He was originally admitted to the hospital on 07.01.2024 and later, died on 09.01.2024.

3.It is contended that there was no other motive apart from sudden provocation.

4.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:

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

[a] the sureties shall affix their photographs and Left



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Crl.O.P.No.4164 of 2024

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.

27.02.2024

vkr

C.V.KARTHIKEYAN. J.

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Crl.O.P.No.4164 of 2024

To

1. The Judicial Magistrate, Tirukalukundram
2. The Sub Jail, Mathuranthagam.
3. The Inspector of Police,
Thirukalukundram Police Station,
Chengalpattu District.
4. The Public Prosecutor, High Court of Madras.

Crl.O.P.No.4164 of 2024

27.02.2024