



CrI.O.P.No.4819 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2024

CORAM

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

CrI.O.P.No.4819 of 2024

Mohammed Rasul

...Petitioner

Vs.

The State, represented by
The Inspector of Police,
V-7, Nolambur Police Station,
Chennai.
Crime No.1066 of 2017

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in S.C.No.43 of 2018, on the file of the II Additional District and Sessions Judge, Tiruvallur at Poonamallee in Crime No.1066 of 2017 on the file of the Inspector of Police, Nolambur Police Station, Chennai.

For Petitioner : Mr.D.Prabu
For Respondent : Mr.V.J.Priyadarsana
Government Advocate (crl.side)

ORDER

The accused in S.C.No.43 of 2018, now pending before the II



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Additional District and Sessions Judge, Tiruvallur, Poonamallee, seeks bail. Originally Crime No.1066 of 2017 had been registered under Section 174 Cr.P.C, and subsequently altered to Section 302 IPC with respect to an occurrence which took place on 26.09.2017, which is nearly more than 6 years back.

2. It is the case of the prosecution that the sanitary worker of Chennai Corporation had been informed that a dead dog was covered in a gunny bag and thrown behind the Fish market. There was a bad smell emanating from the gunny bag and he was asked to move the gunny bag away. When the Corporation worker moved the gunny bag to some distance and opened up the gunny bag, he found a human body without head, legs and hands. Thereafter, a complaint had been lodged.

3. The petitioner had absconded from judicial trial on 02.02.2021 and was secured only on 04.03.2023. It had taken more than two years to secure him. Now the trial is in process and it is stated that it is next posted on 06.12.2023/today for examination of LWs 18, 19 & 20. I am confident that the learned Sessions Judge would keep in mind the period



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of incarceration of the petitioner herein and endeavour to complete the trial within a reasonable period of time. Let the trial be completed.

4. Earlier application seeking bail was dismissed on 06.12.2023 in Crl.O.P.No.26914 of 2023. It is stated that the trial has proceeded to substantial extent and P.W.14, P.W.15 and P.W.16, chief-examination and cross-examination had been completed and it is posted for further witness on 08.04.2024.

5. In view of that particular fact, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. 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, of whom one should be a blood surety and the other should be surety decided by the II Additional District and Sessions Judge, Tiruvallur, Poonamallee, for a like sum to the satisfaction of the learned II Additional District and Sessions Judge, Tiruvallur, Poonamallee 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.

04.04.2024

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To

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1. The II Additional District and Sessions Judge,
Tiruvallur,
Poonamallee.
2. The Central Prison, Puzhal.
3. The Inspector of Police,
V-7, Nolambur Police Station,
Chennai.
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

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