



Crl.O.P.No.5152 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.5152 of 2024

Jayavarma Pandi @ Lotta Pandi

...petitioner

Vs.

State represented by
The Inspector of Police,
T-4, Maduravoyal Police Station,
Chennai.
Crime No.381 of 2023

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in S.C.No.216 of 2023 pending on the file of the learned II Additional Sessions Judge, Thiruvallur at Poonamallee.

For petitioner : Mr.Ilayaraja Kandasamy

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

ORDER

The petitioner is an accused in S.C.No.216 of 2023 now pending before the II Additional Sessions Judge, Thiruvallur at Poonamallee.



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2. Originally, Crime No.381 of 2023 had been registered by the respondent Police under Sections 120(B), 341, 147, 148, 149, 307, 302 IPC r/w 149 IPC. The petitioner has been remanded to judicial custody on 06.06.2023.

3.The case of the prosecution is that due to previous enmity, the accused persons had murdered the deceased.

4.The learned counsel for the petitioner stated that the petitioner has been detained under Act 14 of 1982 and subsequently, this Court had revoked the detention order on 05.12.2023 in H.C.P.No.1362 of 2023. The other accused had been granted bail.

5.Taking all these factors into consideration and the period of incarceration, I am 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, each for a like sum to the satisfaction of the II Additional Sessions Judge, Thiruvallur at 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 II Additional Sessions Judge, Thiruvallur at Poonamallee, on every Monday and Friday, 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.

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C.V.KARTHIKEYAN. J.

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To

1. The II Additional Sessions Judge, Thiruvallur at Poonamallee.
2. The Central Prison, Puzhal II, Chennai.
3. The Inspector of Police,
T-4, Maduravoyal Police Station,
Chennai.
4. The Public Prosecutor, High Court of Madras.

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