



Crl.O.P.No.5563 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

CORAM

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

Crl.O.P.No.5563 of 2024

Dhanush

...Petitioner

Vs.

State Represented by
Inspector of Police, (L& O)
D-4 Zambazar Police Station,
Chennai.
(Cr.No.122 of 2022)

...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.176 of 2023 on the file of II Additional Sessions Judge at Chennai.

For Petitioner : Mr.U. Yuvaraj

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



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ORDER

The petitioner in S.C.No. 176 of 2023, now pending before the II Additional Sessions Judge at Chennai, seeks bail for the offences registered by the respondent police under Sections 147,148,341,324,302 and 149 of I.P.C in Crime No.122 of 2022.

2.The petitioner was remanded to judicial custody on 01.02.2024 on execution of Non Bailable Warrant on 13.10.2023 seeks bail.

3. It is stated that there are totally 13 accused in this case, Except A10 all of them are appearing before the Court below. So far as this petitioner is concerned he was taken into judicial custody on 01.02.2024. It is stated that after completion of investigation final report has been filed and the matter is now pending in S.C.No. 176 of 2023 before the learned II Additional Sessions Judge at Chennai.

4.Taking all factors into consideration and also the fact that the petitioner should be given an opportunity to defend during the trial process I am inclined to grant bail to the petitioner subject to the



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following conditions:

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two fresh sureties, each for a like sum to the satisfaction of the **learned II Additional Sessions, Judge at Chennai** and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report before the learned II Additional Sessions Judge at Chennai where S.C.No.176 of 2023 is pending everyday at 10.30 a.m., till completion of trial, apart from the Court hearing dates.

[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



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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.

28.03.2024

smn

To

1. The **II Additional Sessions, Judge, Chennai**

2. The Central Prison-II, Puzhal, Chennai

3. Inspector of Police, (L& O)
D-4 Zambazar Police Station,
Chennai.

4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.
smn

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