



Crl.O.P.No.5747 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM

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

Crl.O.P.No.5747 of 2024

Deena @ Kaka Deena

...petitioner

Vs.

State represented by
The Inspector of Police,
C1, Flower Bazaar Police Station,
Chennai District.

Crime No.203 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.383 of 2022 on the file of the VII Additional District and Sessions Judge, Chennai.

For petitioner : Mr.R.Rajadurai

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

ORDER

The petitioner who is an accused No.1 in S.C.No.383 of 2022 pending before the VII Additional District and Sessions Judge, Chennai, seeks bail.



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2.Originally, Crime No.203 of 2022 had been registered by the respondent Police under Sections 294(b), 302 r/w 34 of IPC.

3.The petitioner was remanded to judicial custody on 29.07.2023 on execution of Non Bailable Warrant on 06.06.2023.

4.The learned counsel for the petitioner stated that the petitioner had not appointed an Advocate and was not able to file a petition under Section 317 Cr.P.C, owing to sudden illness and hence, he could not go to the Court.

5.The learned Government Advocate (crl.side) stated that there are totally three accused. The petitioner is arrayed as A1 and the other two accused, A2 and A3 are regularly appearing before the Court. The petitioner is a history sheeted rowdy and there are 13 previous cases as against him. The petitioner had been detained under Act 14 of 1982 and subsequently, the detention order had also been set aside by this Court.

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



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7. Accordingly, the petitioner is ordered to be released on bail on executing a separate 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 VII Additional District and Sessions Judge, Chennai and on further conditions that :-

[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 am., 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].



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[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 229A IPC.

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To

1. The VII Additional District and Sessions Judge, Chennai.
2. The Central Prison, Puzhal.
3. The Inspector of Police,
C1, Flower Bazaar Police Station,
Chennai District.
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

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