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CrI.O.P.No.8180 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.8180 of 2024

Kagil

...Petitioner

Vs.

The State, represented by
The Inspector of Police,
T-4, Maduravoyal Police Station,
Chennai.

...Respondent

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

For Petitioner : Mr.Ilayaraja Kandasamy
For Respondent : Mr.V.J.Priyadarsana
Government Advocate (crl.side)

ORDER

The petitioner/A3 seeks bail in S.C.No.216 of 2023, now pending before the II Additional Sessions Judge, Tiruvallur. Originally Crime



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No.381 of 2023 had been registered under Sections 120 (b), 341, 147, 148, 149, 307, 302 r/w 149 IPC. The petitioner had been remanded to judicial custody on 05.06.2023.

2. It is the case of the prosecution that owing to previous motive and as a retaliation, all the accused persons had followed both the deceased and the injured and attacked them, causing death of one person and injuries to another person.

3. The learned counsel for the petitioner pointed out the period of incarceration and also stated that A2, A5, A6, A7 and A8 had been granted bail by the Sessions Court, Poonamallee. It is also stated that the detention orders against A1, A2 & A4 under Act 14 of 1982 had been subsequently revoked by the orders of this Court.

4. The earlier application seeking bail was dismissed on 06.12.2023 in CrI.O.P.No.26703 of 2023.



5. Taking into consideration the fact that all the other accused had been released on bail and to provide an opportunity to the petitioner to conduct trial, bail is granted 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, for a like sum to the satisfaction of the learned II Additional Sessions Judge, Tiruvallur, Poonamallee 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 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



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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

gsa

To

1. The II Additional Sessions Judge,
Tiruvallur,
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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C.V.KARTHIKEYAN. J.

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