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Crl.O.P.No.9442 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM

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

Crl.O.P.No.9442 of 2024

Chandru @ Saidapet Chandru

...Petitioner

Vs.

The State, represented by
The Inspector of Police (Law & Order)
E-5 Foreshore Estate, Police Station,
Pattinapakkam, Chennai 600 004.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner/Accused on bail in Crime No.169/2023 on the file of the respondent Police.

For Petitioner : Mr.G.Mohanakrishnan

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

ORDER

The petitioner/A3 who was arrested and remanded to judicial custody for the offences under Sections 147, 148, 341, 324, 506(ii), 307 and 302 of IPC in Crime No.169 of 2023 on the file of the respondent Police, seeks bail.



Crl.O.P.No.9442 of 2024

WEB COPY

2. It is stated that the accused had an affinity with the deceased and on the faithful day i.e., on 18.08.2023, they had a case at the Metropolitan Magistrate Court, Egmore. Thereafter, they had all gone over to Pattinapakkam/Foreshare Estate and had apparently come under the influence of liquor and all the other accused had also joined and the deceased was murdered and one person also suffered injuries, necessitating the registration of the crime also under Section 307 of IPC.

3. The learned counsel for the petitioner stated that A3 had been wrongly implicated in this case and A13 has no role at all in the entire offence.

4. It is stated by the respondent that there are 6 previous cases against the petitioner, out of which, three cases have been registered under Section 302 of IPC.

5. The earlier petition seeking bail was dismissed on 30.10.2023 in Crl.O.P.No.24246 of 2023. The substantial change in circumstance is that



Crl.O.P.No.9442 of 2024

all the accused, except A17 had been granted bail. The investigation has also been completed and charge sheet has also been filed.

6. Taking into consideration the long period of incarceration and the fact that bail is granted to other accused, bail is granted to the petitioner subject to the following conditions:

7. 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 XV MM George Town at 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 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.



Crl.O.P.No.9442 of 2024

[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.

25.04.2024

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To

- 1.The State, represented by
The Inspector of Police (Law & Order)
E-5 Foreshore Estate, Police Station,
Pattinapakkam, Chennai 600 004.
2. The Central Prison-II, Puzhal.
3. The XV MM George Town,
Chennai.
- 4.The Public Prosecutor, High Court of Madras.



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Crl.O.P.No.9442 of 2024

C.V.KARTHIKEYAN. J.

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Crl.O.P.No.9442 of 2024

25.04.2024