



Crl.O.P.No.11079 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2024

CORAM

THE HON'BLE MR. JUSTICE K. KUMARESH BABU

Crl.O.P.No.11079 of 2024

Prabhu

...petitioner

Vs.

State represented by
The Inspector of Police,
Padirivedu Police Station,
Tiruvallur District.
(Crime No.65 of 2024)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.65 of 2024 on the file of the respondent Police.

For petitioner : Mr.V.Krishnamoorthy

For Respondent : Mr.S.Santhosh
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.03.2024 for the offences originally registered by the respondent



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Police as Man Missing and subsequently, altered to Sections 302 and 201 IPC and later, altered to Sections 147, 148, 201, 302, 120(B) IPC, in Crime No.65 of 2024 on the file of the respondent, seeks bail.

2.It is stated that owing to some illegal intimacy, the accused had harboured enmity against the deceased. The deceased was working in tasmac shop at Redhills.

3.It is stated by the learned Government Advocate (crl.side) that all the accused committed the murder of the father of the defacto complainant and buried the body near Chinnancherrikulam lake.

4.The learned counsel for the petitioner stated that the petitioner is an innocent person and he has been falsely implicated in this case, since he happens to be the friend of A2. He further stated that A7 to A9 had been granted bail by this Court in Crl.O.P.Nos.6813, 7648 and 7391 of 2024.

5.Taking the period of incarceration into consideration and the investigation has been practically completed and also of the fact that the co-accused had been granted bail by this Court, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Gummidipoondi 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 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 District Munsif cum Judicial Magistrate, Gumudipoondi.
2. The Central Prison, Puzhal.
- 3.The Inspector of Police,
Padirivedu Police Station,
Thiruvallur District.
- 4.The Public Prosecutor, High Court of Madras.



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K. KUMARESH BABU. J.

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