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Crl.A.No.597 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 10.06.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**Crl.A.No.597 of 2024**

1.Vicky @ Vignesh  
2.Kumaran @ Kokki Kumaran ... Appellants

**Vs.**

1.Deputy Superintendent of Police,  
Kanchipuram,  
Kanchipuram District.

2.State Rep. by:-  
Inspector of Police,  
Walajabad Police Station,  
Kanchipuram District.  
(Crime No.660 of 2023)

3.Baskar ... Respondents

**Prayer:**

Appeal filed under Section 14(A)(II) of Criminal Procedure Code seeking to call for the records and set aside the order dated 30.04.2024 made in Crl.M.P.No.1157 of 2024 on the file of learned Additional District and Sessions Judge, Chengalpattu.

For Appellants : Mr.A.Saranraj  
For Respondents : Mrs.G.V.Kasthuri  
Additional Public Prosecutor



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## J U D G M E N T

The criminal appeal has been filed seeking to call for the records and set aside the order dated 30.04.2024 made in Crl.M.P.No.1157 of 2024 on the file of the learned Additional District and Sessions Judge, Chengalpattu.

2.The learned counsel appearing for the appellants submitted that the appellants were implicated for the offence under Section 302 IPC @ 147, 148, 120(B), 302 IPC and Section 3(2)(va) SC ST Act and they are in judicial custody from 09.09.2023 and they filed petition seeking bail in Crl.M.P.No.1157 of 2024 before the learned Additional District and Sessions Judge, Chengalpattu and the said petition was dismissed on 30.04.2024. Hence, the petitioners have filed this appeal.

3.The learned counsel appearing for the appellants further submitted that the appellants were detained under Act 14 of 1982 and challenging the same, HCP Nos.2513 and 2520 of 2023 were filed before this Court and this Court vide order dated 24.04.2024 allowed



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the said petitions and further submitted that the appellants did not commit any offence, however, they are falsely implicated in the case in Crime No.660 of 2023 and are undergoing incarceration for nearly 10 months and prayed for grant of bail to the appellants.

4.The learned Additional Public Prosecutor vehemently opposed for grant of bail to the appellants and submitted that apart from this case, there are two other cases pending against the first appellant and three other cases pending against the second appellant, including NDPS Act case.

5.Heard the learned counsel appearing for the appellants as well as the learned Additional Public Prosecutor.

6.Considering the period of incarceration undergone by the appellants, I am inclined to grant bail to the appellants.

7.Accordingly, the appellants are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, each for a like sum to the



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satisfaction of the learned Judicial Magistrate No.II, Kanchipuram and on further condition 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 appellants shall report before the respondent police daily at 10.30 a.m. until further orders;

(c)the appellants shall not tamper with evidence or witness either during investigation or trial;

(d)the appellants shall not abscond 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 appellants in accordance with law as if the conditions have been imposed and the appellants 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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.



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8.The criminal appeal is allowed. The order dated 30.04.2024 made in Crl.M.P.No.1157 of 2024 by learned Additional District and Sessions Judge, Chengalpattu, is set aside.

10.06.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

- 1.The Additional District and Sessions Judge,  
Chengalpattu.
- 2.The Deputy Superintendent of Police,  
Kanchipuram,  
Kanchipuram District.
- 3.The Inspector of Police,  
Walajabad Police Station,  
Kanchipuram District.  
(Crime No.660 of 2023)



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**M.DHANDAPANI,J.**  
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