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Crl.O.P.No.19067 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.19067 of 2024

Rajesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Poonamallee Police Station,
Avadi City.

(Crime No.373 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.373 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.A.M.Rahamath Ali

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.05.2024, for the alleged offences punishable under Sections 302 @ 302 IPC r/w 120-B IPC, in Crime No.373 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant, is that the deceased had an affair with the first accused's wife and lived with her, due to this, there is enmity between them, for which, the first petitioner engaged the other accused persons to kill the deceased. On 22.05.2024 at about 6.10 p.m, the petitioner along with other accused were brutally murdered the deceased. Based on which, FIR was registered and the respondent police arrested the accused persons. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged in FIR. He would further submit that based on the confession of the arrested accused A4, this petitioner was arrested. He would also submit that the detention order of the petitioner has been revoked by the Advisory Board.



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The petitioner is in judicial custody for nearly 70 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would contend that there are totally five accused in this case and the petitioner is arrayed as A5. He would further submit that due to previous enmity between the deceased and the first accused, on the date of alleged occurrence, the petitioner along with other accused persons brutally murdered the deceased. He would further submit that the investigation has been completed and the charge sheet has also been filed. However, he vehemently, opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions of the learned counsel of either side, considering the period of incarceration undergone by the petitioner and also taking note of the fact that based on the confession of the arrested



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accused, this petitioner was arrested, investigation in this case was completed and also considering all these factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate Court No.II, Poonamallee and on further conditions that:-

[a] the petitioner shall report before the Judicial Magistrate No.II, Poonamallee, on everyday at 10.30 a.m., until further orders.

[b] the petitioner shall not commit any offences of similar nature.

[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.



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[e] On breach of any of the aforesaid conditions, the learned Judicial 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 269 BNS.

07.08.2024

drl

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- 1.The Judicial Magistrate No.II,
Poonamallee.
- 2.The Inspector of Police,
Poonamallee Police Station,
Avadi City.
- 3.The Superintendent,
Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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