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Crl.O.P.No.19197 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM

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

Crl.O.P.No.19197 of 2024

P.Sampath Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police (L & O),
T-12, Poonamallee Police Station,
Chennai.
(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.S.N.Subramani

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 24.05.2024, for the alleged offences punishable under Sections 302 @



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302 IPC r/w 120(B) of 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 petitioner herein 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 near Mangadu, Bhagavathi Theatre. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would also submit that the detention order of the petitioner has been revoked by the Advisory Board. He would further submit that the co-accused was also released by this Court. The petitioner was arrested and is in judicial custody for more than 80 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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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 A3. 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 was 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 on either side, considering the period of incarceration undergone by the petitioner and taking note of the fact that co-accused was released on bail, and the detention order being revoked, and also considering the fact that the investigation was completed and the charge sheet has also been filed, and also considering all these factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



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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, Sriperumbudur, 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.

[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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

08.08.2024

drl

To

- 1.The Judicial Magistrate,
Sriperumbudur.
- 2.The Inspector of Police (L & O),
T-12, Poonamallee Police Station,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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