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CRL O.P. No.21845 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :06.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21845 of 2024

Arunmani

... Petitioner / Accused - 7

Vs

State rep. by
The Inspector of Police,
J4, Kotturpuram Police Station,
Chennai.

(Crime No.91 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.91 of 2024, on the file of the respondent.

For Petitioner : Mr.N.Ramachandran

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.07.2024 for the offences punishable under Sections 147, 148, 341, 302, 120(b) r/w 149 of IPC, in Crime No.91 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that owing to previous enmity, the petitioner along with the other accused, conspired together, taken the deceased to a remote place and committed murder on him and thereafter, in order to escape from the hands of the police, they had thrown the dead body into Adyar river. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has been in judicial custody from 01.07.2024 and the petitioner was not at all present in the scene of occurrence and only A1 to A5 present in the scene of occurrence and only based on the confession of the co-accused, the petitioner was



implicated as accused in this case. He would also submit that there is no previous case as against the petitioner. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that due to previous enmity, the petitioner along with the other accused, kidnapped the deceased and committed murder on him and thereafter, they thrown the dead body into Adyar river. He would further submit that there is no previous case against the petitioner and investigation has been almost completed. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering that this petitioner has been arrayed as an accused on the basis of the confession statement of the co-accused and that there is no previous case against the petitioner and also taking into consideration the period of incarceration undergone by the petitioner and that the material part of investigation was completed, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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[a] 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 **IX Metropolitan Magistrate, Saidapet, Chennai**, and on further conditions that;

[b] the Petitioner shall report before the respondent police on everyday at 10.30 a.m., until further orders.

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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To
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- 1.The IX Metropolitan Magistrate, Saidapet, Chennai.
- 2.The Inspector of Police,
J4, Kotturpuram Police Station,
Chennai.
- 3.Puzhal Central Prison, Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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