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Crl.O.P.No.21782 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2024

CORAM

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

Crl.O.P.No.21782 of 2024

1.Bandu @ Kamalesh

2.Gopal

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
K-10 Koyambedu Police Station,
Chennai District.
(Crime No. 328 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioners on bail, in Crime No. 328 of 2024 on the
file of the respondent Police.

For Petitioners : Mr.P.Muthamizhselvakumar

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 11.05.2024, for the alleged offences punishable under Sections



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147, 148, 302 of IPC, in Crime No.328 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 10.05.2024, at about 9.00 a.m, due to previous enmity, the petitioners along with other accused persons brutally attacked the deceased and caused grievous injuries all over his body, due to which, the deceased was died on the spot. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He further submit that there was no specific overt act attributed against these petitioners. He would further submit that the petitioners were arrested and they are in judicial custody for more than 110 days and they are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally six accused in this case and



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the petitioners are arrayed as A1 and A2. He further submitted that on the date of the alleged occurrence, due to previous enmity, the petitioners along with other accused persons brutally attacked the deceased, causing grievous injuries, due to which, he died on the spot. He further submitted that there is no previous case, pending against them. He further submitted that the investigation was completed and the charge sheet has also been filed in PRC.No.110 of 2024. However, he opposed to grant bail to the petitioners.

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

6. Considering the submissions made by the learned counsel on either side, and considering the period of incarceration undergone by the petitioners, and considering the fact that the petitioners have no previous cases pending against them, investigation was completed and now the case has been committed to Sessions Court and also considering all others factors, I am inclined to grant bail to the petitioners, subject to certain conditions.



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7. Accordingly, the petitioners 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, for a like sum to the satisfaction of the V Metropolitan Magistrate Court, Egmore, Chennai, and on further conditions that:-

[a] the petitioners shall report before the concerned Jurisdictional Magistrate, on all working days at 10.30 a.m., until further orders.

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

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

05.09.2024

drl

To

- 1.The V Metropolitan Magistrate Court,
Egmore, Chennai.
- 2.The Inspector of Police,
K-10 Koyambedu Police Station,
Chennai District.
- 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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