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CrI.O.P.No.23054 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.23054 of 2024

Sarathy @ Kozhi

...Petitioner/Accused - A5

Vs.

State rep by
Inspector of Police,
Manavalanagar Police Station,
Tiruvallur District.
(Crime No.257 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.257 of 2024 on the file of respondent police.

For Petitioner : Mr.P.Prince Premkumar

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (CrI. Side)

ORDER



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The petitioner/A5, who was arrested and remanded to judicial custody on 21.07.2024 for the offences under Sections 147, 148, 342, 324, 302, 120B and 201 of the IPC in Crime No.257 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/A5 along with five other accused were involved in the murder of the deceased. Hence the complaint.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner is alleged to have buried the deceased; that the petitioner has no specific overt act or role in the murder; that the petitioner has been in custody since 21.07.2024; that he is a law-abiding citizen; that he is ready to furnish substantial sureties for his due release on bail; and therefore, he prays for the grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the



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respondent police submitted that there are six accused in this case; that the petitioner is arrayed as A5; that the petitioner/A5 along with five other accused were involved in the murder of the deceased. He further submitted that the investigation was almost completed, that there are no previous cases pending against the petitioner. However, he vehemently opposed the grant of bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the representation made by both sides, that the investigation was completed, the allegation that the petitioner only buried the deceased, that there are no previous cases pending against the petitioner and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with 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 learned *Judicial Magistrate - II, Tiruvallur*, and on further conditions that:

[a] the petitioner shall report before the Jurisdictional Magistrate daily at 10.30 a.m., until further orders;

[b] the petitioner shall attend in accordance with the conditions of the bond;

[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 or tamper with the evidence;

[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



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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.

24.09.2024

dk

To

- 1.The Judicial Magistrate – II,
Tiruvallur.
- 2.The Inspector of Police,
Manavalanagar Police Station,
Tiruvallur District.
- 3.The Superintendent of Prison,
Central Prison – II, Puzhal,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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