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Crl.O.P.No.24426 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

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

Crl.O.P.No.24426 of 2024

Vellai Selva @ Selva

... Petitioner

Vs.

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

... Respondent

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

For Petitioners : Mr.S.Senthilkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 11.05.2024, for the alleged offences punishable under Sections 147, 148,



Crl.O.P.No.24426 of 2024

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

2. The case of the prosecution is that on 10.05.2024 at about 6.00 p.m, due to previous enmity, this petitioner along with other accused brutally attacked the deceased with deadly weapons and murdered him. 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 further submits that the detention order has been set aside by this Court in HCP.No.2030 of 2024. He further submitted that the petitioner is in judicial custody from 11.05.2024 and he is ready to abide by any stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that there are six accused in this case and the petitioner herein is arrayed as A4. He further submits that due to previous



Crl.O.P.No.24426 of 2024

enmity, on the date of the alleged occurrence, this petitioner along with other accused brutally attacked the deceased with deadly weapons and murdered him and the deceased died on the spot. He further submits that the investigation was completed and the charge sheet was also filed. However, he 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 nature of offence, and the detention order was set aside by this Court, investigation was completed and charge sheet was also filed, and now the case is posted for committal, and considering the period of incarceration undergone by the petitioner, and also considering all others 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 V Metropolitan



Crl.O.P.No.24426 of 2024

Magistrate, Egmore, Chennai, and on further conditions that:-

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

[b] 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;

[c] 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;

[d] the Petitioner shall not abscond 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]; and



CrI.O.P.No.24426 of 2024

WEB COPY

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

03.10.2024

drl

To

- 1.The V Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
K-10, Koyambedu Police Station,
Chennai.
- 3.The Superintendent,
Central Prison No.II, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.24426 of 2024

P.DHANABAL, J.

drl

Crl.O.P.No.24426 of 2024

03.10.2024