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CrI.O.P.No.28299 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.O.P.No.28299 of 2023

1.Gopi
2.Praveen

... Petitioners

Vs.

The State represented by
The Inspector of Police,
T-10 Thirumullaivoyal Police Station,
Avadi, Chennai.
Crime No.511 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in Crime No.511 of 2023 on the file
of the respondent.

For Petitioners : Mr.S.Gokulakannan

For Respondent : Mr.L.Baskaran
Government Advocate (CrI. Side)

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 17.10.2023 and 13.10.2023 respectively, for the offences



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registered under Sections 147, 148, 341, 302 of IPC, in Crime No.511 of 2023 on the file of the respondent Police, seek bail.

2. There are totally six accused and the petitioners are arrayed as A3 and A4. A1, A2, A5 and A6 have been detained under Act 14 of 1982.

3.The case of the prosecution is that owing to the previous enmity, the son of the defacto complainant was attacked by the accused and subsequently, he died.

4.It is stated by the learned counsel for the petitioners that the petitioners have been in judicial custody for more than 80 days.

5.It is stated by the learned Government Advocate that the investigation has been completed and final report has also been filed and the same has been taken cognizance by the Judicial Magistrate, Ambattur as P.R.C.No.114 of 2023.

6.Taking all these factors into consideration even though there was one previous case against the first petitioner when he was juvenile and there is no previous case against the second petitioner, I am inclined to grant bail to the petitioners subject to the following conditions:

7.Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate bond for a sum of Rs.10,000/- (Rupees Ten



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Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambattur, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioners shall report before the Judicial Magistrate, Ambattur, everyday, till the date of committal and thereafter, report before the concerned Sessions Court, on every Monday, apart from the Court hearing dates, till completion of the trial.

[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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

03.01.2024

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C.V.KARTHIKEYAN, J.

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To

- 1.The Judicial Magistrate, Ambattur.
- 2.The Inspector of Police,
T-10 Thirumullaivoyal Police Station,
Avadi, Chennai.
- 3.The Central Prison, Puzhal-I.
4. The Public Prosecutor, High Court of Madras.

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