



WEB COPY



Crl.O.P.No.28627 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

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

Crl.O.P.No.28627 of 2023

Arjun @ Aji

... Petitioner

Vs.

The State represented by
The Inspector of Police,
D-3, Ice House Police Station,
Chennai.

S.C.No.561 of 2023
Crime No.125 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in S.C.No.561 of 2023 on the file of
the learned Sessions Judge, Mahila Court, Chennai.

For Petitioner : Mr.C.P.Sivamohan

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

ORDER

The petitioner who is sole accused in S.C.No.561 of 2023 now
pending on the file of the learned Sessions Judge, Mahila Court, Chennai.



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seeks bail. Originally, Crime No.125 of 2023 had been registered by the respondent for the offences under Section 174 Cr.P.C and subsequently, altered to Sections 302 and 379 of IPC.

2.The petitioner was remanded to judicial custody on 20.05.2023 and he is a sole accused.

3.The learned counsel for the petitioner stated that the petitioner is an innocent of the offences and the final report had been filed. Since the final report had been filed, now the duty of the prosecution to establish the charges beyond all reasonable doubt. The petitioner must be given an opportunity to defend the case.

4.It is contended on behalf of the respondent that there are 13 previous cases against the petitioner, in which, he had been convicted in 8 cases.

5.But this case has to be viewed independently. Taking all the factors into consideration and the period of incarceration and also of the fact that the investigation has been completed, I am inclined to grant bail to the petitioner subject to the following conditions:

6.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



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only) with two sureties, each for a like sum to the satisfaction of the learned II Metropolitan Magistrate, Egmore, Chennai 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 petitioner shall report before the learned Sessions Judge, Mahila Court, Chennai, on every Monday and also during the Court hearing dates, till completion of the trial.

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

[d] the petitioner 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 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].

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

05.01.2024

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C.V.KARTHIKEYAN, J.



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To

- 1.The II Metropolitan Magistrate, Egmore, Chennai.
- 2.The Inspector of Police,
K-7, ICF Police Station,
Chennai.
- 3.The Central Prison, Puzhal .
4. The Public Prosecutor, High Court of Madras.

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