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CrI.O.P.No.28920 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2024

CORAM

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

CrI.O.P.No.28920 of 2023

Pachai @ Ramamoorthy

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Arakkonam Town Police Station,
Ranipet District.
(Crime No.524 of 2015)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in S.C.No.136 of 2022 pending on the
file of the learned II Additional District and Sessions Judge, Vellore.

For Petitioner : Mr.A.Vijayasankar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 15.11.2021, for the offences punishable under Sections 147, 148, 341,



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294(b), 307 and 302 of IPC in Crime No.542 of 2015 on the file of the respondent Police, seeks bail.

2. The petitioner is the first accused in S.C.No.85 of 2022 before the learned II Additional District and Sessions Judge, Vellore. It is stated that the major offence is Section 302 of IPC and there are totally thirteen accused. The petitioner had evaded the Court process and had jumped bail on 25.06.2019 and Non-Bailable Warrant was issued and the petitioner was taken into custody only on 15.11.2021.

3.The earlier application seeking bail was dismissed by this Court on 03.10.2023 in Crl.O.P.No.20493 of 2023. The one change in circumstance is that the charges have been framed by the Court on 12.12.2023 and it has been then listed on 09.01.2024 for examination of prosecution witnesses.

4.In order to give an opportunity to the petitioner to defend his case, I am inclined to grant bail to the petitioner subject to the following conditions:

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



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[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 II Additional District and Sessions Judge, Vellore, Where S.C.No.136 of 2022 is pending, 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.

02.01.2024

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C.V.KARTHIKEYAN, J.

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To

- 1.The Judicial Magistrate, Arakonam.
- 2.The Inspector of Police,
Arakkonam Town Police Station,
Ranipet District.
- 3.The Central Prison, Vellore.
4. The Public Prosecutor, High Court of Madras.

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