



Crl.O.P.No.28779 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

CORAM

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

Crl.O.P.No.28779 of 2023

Edwin Jegan S/o. Paul Raj

...Petitioner/Accused-12

Vs.

State represented by
The Inspector of Police,
Foreshore Estate Police Station,
Chennai.

(Crime No.169 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.169 of
2023 on the file of the respondent, on such terms and conditions.

For Petitioner : Mr.G.Mohana Krishnan

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

ORDER



Crl.O.P.No.28779 of 2023

WEB COPY

The petitioner/A12 in Crime No.169 of 2023, registered by the respondent police for the offences under Sections 147, 148, 302, 307, 324, 341 & 506(II) of IPC. The petitioner had been remanded to custody on 31.08.2023.

2.The earlier applications seeking bail in Crl.O.P.Nos.24246 & 26059 of 2023 had been dismissed by this Court on 30.10.2023 and 23.11.2023.

3.It is stated that the petitioner herein and the other accused had an affinity with the deceased and on the faithful day i.e., on 18.08.2023, they had a case at the Metropolitan Magistrate Court, Egmore. Thereafter, they had all gone over to Pattinapakkam/Foreshore Estate and had apparently come under the influence of liquor and all the other accused had also joined and the deceased was murdered and one person also suffered injuries, necessitating registration of the crime also under Section 307 of IPC.

4.In so far as the present petitioner is concerned, it is the case of the



Crl.O.P.No.28779 of 2023

prosecution that he was patrolling the area in yet another car/Ford Fiesta, bearing Regn.No.TN-63-AA-4639. That one factor may not be a direct factor against the petitioner herein but it is also informed that the same vehicle had been seized at Tirunelveli with respect to FIR in Crime No.332 of 2023. This would only imply that the said vehicle is used at other places where offences taken place. That offence had happened after the present occurrence.

5.It is also stated that there are three previous cases against the petitioner herein one under Section 380 IPC, one under 307 IPC and another one under Tamil Nadu Gaming Act.

6.The one significant change in circumstance is that investigation has been completed and final report has also been filed before the XXIII Metropolitan Magistrate, Saidapet. Taking that particular fact into consideration and also the overt against this petitioner, I am inclined to grant bail to the petitioner subject to the following conditions:

7.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



CrI.O.P.No.28779 of 2023

Thousand only) with two sureties, each for a like sum to the satisfaction of the XXIII Metropolitan Magistrate, Saidapet, 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 appear before the XXIII Metropolitan Magistrate, Saidapet, everyday at 10.30 a.m., till the date of committal and thereafter, appear before the committal Court, everyday at 10.30 a.m., till examination of injured witnesses and thereafter, during the Court hearing dates.

[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



CrI.O.P.No.28779 of 2023

of Kerala [(2005)AIR SCW 5560].

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

23.01.2024
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C.V.KARTHIKEYAN. J.

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To

1. The XXIII Metropolitan Magistrate, Saidapet.



Crl.O.P.No.28779 of 2023

WEB COPY

2. The Central Prison, Puzhal.

3. The Inspector of Police,
Foreshore Estate Police Station,
Chennai.

4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.28779 of 2023

23.01.2024

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