



Crl.O.P.No.28721 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

CORAM

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

Crl.O.P.No.28721 of 2023

Prathap

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Kadaladi Police Station,
Tiruvannamalai District.

(Crime No.417 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.417 of
2023 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.A.Anandharaj

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



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ORDER

The petitioner/A9 in Crime No.417 of 2023, registered by the respondent for the offences under Sections 302 & 120(B) of IPC, seeks bail. The petitioner had been remanded to custody on 22.11.2023.

2.It is stated that the overt act as against this petitioner is that he had prepared a plan to commit the murder.

3.It is the case of the defacto complainant that there were two groups, which were inimical each other and the petitioner was a member of once group, had planned to commit the murder against the deceased.

4.It is stated that A4, A5, A7 and A8 had also been taken into custody and also had been granted bail by the learned Principal Sessions Judge, Thiruvannamalai on 31.01.2024 in Crl.M.P.No.278 of 2024. However, A1, A2, A3 and A6 are still absconding.

5.Taking into consideration the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

4.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 District Munsif cum Judicial Magistrate, Kalasapakkam, and on



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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 respondent police everyday morning at 10.30 a.m., and evening at 5.30 p.m., until further orders, additionally, until A1, A2 and A3 are secured.

[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.

05.02.2024

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C.V.KARTHIKEYAN. J.

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To
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1. The District Munsif cum Judicial Magistrate, Kalasapakkam.
2. The District Jail, Tiruvannamalai.
3. The Inspector of Police,
Kadaladi Police Station,
Tiruvannamalai District.
4. The Public Prosecutor,
High Court of Madras.

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