

CrI.O.P.No.7877 of 2016K.KALYANASUNDARAM, J.

The petitioners are A3 and A5 and they were arrested and remanded to judicial custody on 07.03.2016 for the alleged offences punishable under sections 120(b), 148 and 302 IPC, in Crime No. 79 of 2015 on the file of the respondent police and hence, seek bail.

2. The case of the prosecution is that the eleventh accused is a life convict and he is a leader of a gang and the rival gang was led by one Vali. On 31.01.2015 A-11 along with A 1 & 2 and one Vinoth hatched conspiracy to eliminate the said Vali, however on the very next day, the said Vinoth was murdered by Vali group. When the accused were searching for Vali, on 26.02.2015, the fourth accused informed about the whereabouts of Vali group and thereafter, the accused proceeded from Kanyakumari to the scene of occurrence, where the accused Nos. 1, 3, 4, 5 and 10 indiscriminately attacked the deceased and three other persons with lethal weapons and caused death and injuries.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. It is further submitted that similarly placed persons were already granted bail and the petitioners have been in judicial custody for more than one year and one month and they are ready to appear before the trial Court to face the trial.

4. Per contra, the learned Government Advocate (Criminal side) appearing for the respondent would vehemently oppose the bail petition stating that there are 14 accused in this case and though the respondent has completed the investigation and filed the charge sheet, which was also taken on file in S.C.N o. 222 of 2015 on the file of the I Additional Sessions Judge, Coimbatore, due to issuance of NBW against the 8th accused, the case could not be proceed with. It is further submitted that both the petitioners have involved in one previous case under City Police Act and 307 IPC.

5. Considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a personal 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 I Additional District and Sessions Judge, Coimbatore and on further condition that the petitioners shall stay at Pollachi and report before the learned Judicial Magistrate No.II, Pollachi, on all working days except on those days where their presence is required before the Session Court dealing with S.C.No. 222 of 2015.

12.04.2016

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K.KALYANASUNDARAM, J.

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