

Crl.O.P.Nos. 9853 and 10347 of 2016

B.GOKULDAS, J.

The petitioners in both the petitions are A9 and A10 respectively; and A-9 was arrested and remanded to judicial custody on 28.08.2015 and A-10 was surrendered before the learned V Metropolitan Magistrate Court, Egmore on 03.09.2015; for the alleged offences punishable under sections 147, 148, 341, 307, 302 IPC read with 25(1-B)(a) and 27 of Indian Arms Act, in Crime No. 592 of 2015 on the file of the respondent police and hence, seek bail.

2. The case of the prosecution is that on 26.08.2015 at 08.30 p.m., the petitioners along with other accused attacked three persons with knife and fire arms due to which all the three persons died.

3. The learned counsel appearing for the petitioners submitted that totally there are 21 accused and it is a case of retaliation murder. It is further submitted that there is no specific overt act against these petitioners and the charge sheet has also been filed and there is no bad antecedents against the petitioners.

4. The learned Government Advocate (Criminal side) appearing for the respondent submitted that it is a case of retaliation murder of three persons and the petitioners are the conspirator and they transported A-1 to A-8 from Madurai to Coimbatore to eliminate the deceased.

5. Taking into consideration the change of circumstances and the period of custody, this Court is of the view that this is a fit case to grant bail to the petitioners. Accordingly, they are ordered to be released on bail, subject to the following stringent conditions:

(i) the petitioners shall 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 No.VII, Coimbatore.

(ii) the petitioners shall stay at Madurai and report before the Sub Inspector of Police, Town Police Station, daily twice at 10.00 a.m., and 05.00 p.m., until further orders.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

26.05.2016

vsg/mps

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v s g/ m p s

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