



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.12572 of 2021

WEB COPY

Guna @ Gunasekaran

... Petitioner

Vs.

The State Represented by :-
Inspector of Police,
B-2, R.S.Puram Police Station,
Coimbatore District.
Crime No.1307 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.,
praying to enlarge the petitioner/accused on bail in connection with
the crime No.1307 of 2020 pending on the file of the respondent
police.

For Petitioner : Mr.M.N.Balakrishnan

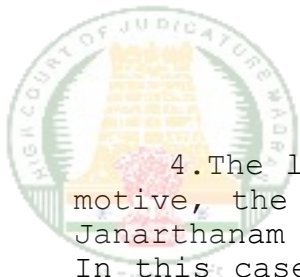
For Respondent : Mr.A.Gopinath
Government Advocate(Crl. side)

O R D E R

The petitioner who are arrested on 15.11.2020 for the offence
under Section 302, 120(B) read with Section 302 of IPC in Crime
No.1307 of 2020, on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner along
with other accused persons joined together and committed the murder
of one Janarthanam due to previous enmity. Based on the complaint
lodged by the defacto complainant, who is the brother of the
deceased, the respondent police registered a case against the
petitioner and other accused persons.

3. The learned counsel appearing for the petitioner submitted
that the petitioner is innocent and he is nothing to do with the
alleged offence as stated by the prosecution and he is in custody
from 15.11.2020. Co-accused has already been arrested and released on
bail. Hence, he learned counsel prays to grant bail to the
petitioner.



4.The learned Government Advocate submitted that due to previous motive, the petitioner along with other accused persons attacked one Janarthanam with knife. For which, the victim died in the hospital. In this case, investigation completed and charge sheet filed in PRC. No.4 of 2021. If the petitioner is released on bail, he may abscond and the case would affect. He further submitted that there is no previous case pending against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case, the petitioner having been under incarceration for more than seven months in prison and there is no previous case pending against him, this Court is inclined to grant bail to the petitioner with following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Coimbatore, and on further condition 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 is directed to appear before the respondent police daily morning at 10.30 am until further orders and the petitioner is directed to appear before the trial Court on each and every hearing without fail;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond 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 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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-

22/07/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
B-2, R.S.PURAM POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

CC to M/s.M.N.Balakrishnan Advocate on payment of necessary charges

CRL OP.12572/2021

Date :22/07/2021

RVR 23/07/2021