



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2021

WEB COPY

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21317 of 2021

1.Karuppusamy
2.Praveen Kumar

.. Petitioners/A-1 & 2

Vs.

The State by
The Inspector of Police
C-2, Race Course Police Station,
Coimbatore District.
Crime No.561 of 2021.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No. 561 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.N.Arunkumar

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 27.08.2021 for the offences under **Sections 147, 148, 341, 294(b), 323, 307 and 506(ii) of IPC**, in Crime No.561 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 27.08.2021 at about 14.00 hours, the petitioners along with other accused attacked the defacto complainant and his friends who are the accused in Crime No.59 of 2020 in connection with a murder case of the 1st petitioner's son, with wooden log and knife while they were returning from Court. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are an innocent persons and they have been falsely implicated in this case. He would further submit that some of the co-accused have been granted bail by this Court in Crl.O.P.No.20295 of 2021 dated 29.10.2021 and Crl.O.P.No.20915 of 2021 dated 09.11.2021 and the petitioners have been suffering incarceration for more than



75 days from 27.08.2021. Hence he prays for grant of bail to the petitioners.

4. The learned Government Advocate raised objection stating that the 1st petitioner's son was murdered by the defacto complainant and others and hence, as a retaliation, the petitioners along with others attacked the defacto complainant and others. He would further submit that the petitioners have been arrayed as A1 and A2 and the injured have been discharged from the hospital and there is no previous case against the petitioners.

5. Considering the fact that some of the co-accused have been granted bail and there is no previous case against the petitioners and also considering the period of incarceration undergone by the petitioners, 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 separate 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-III, Coimbatore**, 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 petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(d) the petitioners 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 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]**; and;



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

-sd/-
12/11/2021

WEB COPY

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.III, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
C-2, RACE COURSE POLICE STATION,
COIMBATORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S.S.N.ARUNKUMAR Advocate on payment of necessary charges SR.NO.12744

CRL OP.21317/2021

Date :12/11/2021

TA-15/11/2021