



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

CORAM:

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

Crl.O.P.No.24898 of 2021

A.Ansar @ Mohammed Ansar

...Petitioner

Vs.

State: Represented by
Inspector of Police
D-3, Podhanur Police Station
Coimbatore City.
Crime No.1229 of 2021.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.1229 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.John Sathyan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 23.11.2021 for the offence under **Section 307 @ Section 302 of IPC**, in Crime No.1229 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 22.11.2021 at about 7 a.m. the wife of the deceased was informed that her husband was found lying with injuries in an unconscious state. Immediately, he was admitted in the hospital. Initially, the case was registered for offence under Section 307 IPC. Subsequently, he succumbed to injuries. Hence, the case was altered to 302 IPC.



3.The learned counsel for the petitioner would submit that the petitioner is a BCA Graduate and he is no way connected with the alleged offence and he has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for about a month 23.11.2021 and that the petitioner's brother-in-law's marriage is slated to take place on 26.12.2021 at Ayshya Mahal, No.1, Kuniamuthur, Coimbatore and he had also enclosed the said marriage invitation and would seek for grant of bail.

4.The learned Government Advocate (Crl. Side) would raise strong objection stating that there was a suspicion over the deceased about stealing of Goats and hence, all the accused gathered and attacked the deceased and thereby, he succumbed to injuries and that the investigation has not been completed.

5. At this juncture, the learned Counsel for the petitioner would submit that the petitioner's name is not found in the FIR and he has been falsely implicated in this case based on the confession of the co-accused and would submit atleast interim bail may be granted to the petitioner to attend his brother-in-law's marriage.

6. A perusal of FIR and the marriage invitation shows that the petitioner's name is not found in the FIR and the petitioner's brother-in-law's marriage is fixed on 26.12.2021. Since, the petitioner is the close relative, his presence may be required in the marriage. But the prosecution raised objection stating that the investigation has not been completed and the petitioner was arrested recently on 23.11.2021.

7. Considering the above facts and circumstances of the case and the nature of allegation leveled against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions;

8. 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 for a like sum and the one surety must be a blood related surety to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Madukkarai**, 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 petitioner shall report before the respondent police daily at 5.00 p.m. until further orders.



(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 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]**; and;

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

-sd/-

07/01/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, MADUKKARAI,
COIMBATORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE INSPECTOR OF POLICE,
D-3, PODHANUR POLICE STATION,
COIMBATORE CITY.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.JOHN SATHYAN Advocate on payment of necessary charges

CRL OP.24898/2021

Date : 07/01/2022

TA-10/01/2022