



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

WEB COPY

CORAM:

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

Cr1.O.P.No.2326 of 2022

1. Maikandan @ Gowtham
2. Ranjithkumar

... Petitioners

Vs.

The State Rep by
The Inspector of Police,
Avinashi Police Station,
Tiruppur District.
(Crime No. 1117 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on the bail pending investigation in Crime No. 1117 of 2021 on the file of the Respondent police.

For Petitioners : Mr.K.Sudharar

For Respondent : Mr.N.S.Suganthan
(Government Advocate Cr1. Side)

O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 23.11.2021 for the offences under Sections 341, 342, 363 and 302 in Crime No. 1117 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the de facto complainant is working as HR in SCM company for past 6 years in which, migrant workers are also working and they were staying in a hostel situated at M.Nathampalayam. On 21.11.2021, one Mukesh Kumar Yadav had informed the de facto complainant that some unknown persons attacked one Anilkumar Yadav and thrown him before the hostel gate and the injured was taken to AKVN hospital and subsequently, on the advise of the doctors, he was taken to Government Hospital, Coimbatore, wherein, he was declared as dead. Thereafter, when the defacto complainant enquired with the Anilkumar's hostel inmate one Lalukumar Yadav, he came to know that the said Anilkumar had developed friendship with one Sakthi



and used to talk with her over phone frequently and when it came to the knowledge of the said Sakthi's relatives, they have shouted at them. Thereafter, on 21.11.2021, the said Sakthi called the Anilkumar and asked him to come to the Market. Therefore, the said Anilkumar along with Lalukumar Yadav went to the Market. But the said Sakthi did not come there. Thereafter, at about 5.45 p.m. while, they were returning to hostel, the father and relatives of the said Sakthi waylaid and taken the Anilkumar forcibly along with them in a bike. Immediately, the said Lalukumar Yadav went to the hostel and informed the same to the other inmates and when they were about to go and search for the Anilkumar, he was found with injuries before the hostel gate. Hence this case.

3.The learned counsel for the petitioners would submit that the petitioners are arrayed as A3 and A4 and the main accused A1 and A2 have been granted bail by the lower Court. He further submits that the petitioners have been falsely impleaded in this case because since they happen to be the relatives of A1. He would submit that the petitioners have not committed any offence as alleged by the prosecution and that they have been suffering incarceration for more than 70 days from 23.11.2021. Hence, he would pray for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would raise objection stating that there are totally 4 accused in this case and the petitioners are arrayed as A3 to A4. The petitioners along with A1 and A2 planned and committed the murder of the deceased since he had developed intimacy with the daughter of A1 but admits that the investigation is almost completed.

5. Considering the above facts and circumstances of the case and the fact that the co-accused have been granted bail by the Court below and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

(a) Accordingly, the petitioners are ordered to be released on bail on executing their own bonds for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned Judicial Magistrate, Avinashi, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;



WEB COPY

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
03/02/2022

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 JUDICIAL MAGISTRATE,
AVINASHI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE INSPECTOR OF POLICE,
AVINASHI POLICE STATION,
TIRUPPUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. K.SUDHAKAR Advocate on payment of necessary
charges SR.NO.1756

CRL OP.2326/2022

Date :03/02/2022

MK:04/02/2022