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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P. No.3017 of 2022

Rajasekar

... Petitioner /
Sole Accused

versus

State rep. by
Inspector of Police,
C-2 Race Course Police Station (L&O),
Coimbatore District.
(Crime No.790 of 2021)

... Respondent /
Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail pending investigation in Crime No.790 of 2021 on the file of the respondent police.

For Petitioner : Mr.T.Nixon

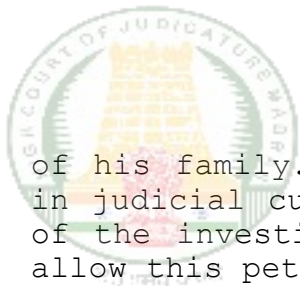
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.11.2021 for the offence punishable under Section 302 of IPC in Crime No.790 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner mixed cyanide in the brandy bottles and gave to the friends of the de facto complainant and due to the same, the victims died. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is a coolie and he is only the breadwinner



of his family. It is the further submission that, the petitioner is in judicial custody from 15.11.2021 onwards and as of now, a portion of the investigation has been completed. Accordingly, he prayed to allow this petition.

4. The learned Additional Government Pleader appearing for the respondent police opposes the bail petition stating that due to previous enmity, the petitioner herein committed pre-planned murder and if this petitioner is released on bail, he may try to tamper the witness and hamper the investigation.

5. The submissions made by the learned counsel appearing on either side are considered.

6. Admittedly, the petitioner is in judicial custody from 15.11.2021 and investigation in this case, is almost completed. Considering the period of incarceration and also due to the reason that, a portion of the investigation has been completed, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on executing his own 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.III, Coimbatore and on further conditions that:

(a) 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;

(b) the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

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



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

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

-sd/-

09/02/2022

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,
NO.III, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE
C-2 RACE COURSE POLICE STATION (L AND O)
COIMBATORE DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.T.NIXON Advocate on payment of necessary charges
SR.NO.2123

CRL OP.3017/2022

Date :09/02/2022

JPA 10/02/2022