



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 11.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

Cr1.OP.No.10909/2022

1.Antony
2.Sree Akash

... Petitioners
/ A7 & A8

Vs

The State represented by,
The Inspector of Police,
Anamalai Police Station
Coimbatore District.

... Respondent

Prayer:- Petition filed under Section 439 of Cr.P.C., to enlarge the petitioners on bail concerned in Crime No.184 of 2022 on the file of the Inspector of Police, Anamalai Police Station, Coimbatore District.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : Mr.L.Baskaran
Government Advocate
[Cr1.Side]

ORDER

(1)The petitioner, sole accused, who was arrested and remanded to judicial custody on 21.02.2022 for the alleged offences punishable under Sections 147, 294[b], 323, 324, 449 and 302 of IPC, in Crime No.184 of 2022 on the file of the respondent police, seeks bail.

(2)The case of the prosecution is that on account of a wordy quarrel that ensued while fetching water from a common pipe, the accused persons including the petitioners attacked the deceased with hands causing his death, resulting in the registration of the case.

(3)The learned counsel for the petitioner would submit that the petitioners are innocent persons and they are no way connected with the case. He would further submit that the names of the petitioners do not find place in the FIR and that they are implicated on the basis of the confession of the co-accused. He would further submit that the co-accused, namely, A3, was granted bail by this Court on



27.04.2022 in Crl.OP.No.9666/2022. Learned counsel submitted that there is no previous enmity and that the entire occurrence took place at the spur of the moment.

(4) The learned Government Advocate (Crl.Side) appearing for the respondent would submit that totally there are ten accused in this case and the petitioners are arrayed as A7 and A8. Learned Government Advocate would strongly oppose for grant of bail to the petitioners as it is case of murder and that the investigation is at crucial stage.

(5) Taking into consideration the facts and circumstances of the case and also taking note of the fact that investigation is pending and that A3 was granted bail by this Court on 27.04.2022 in Crl.OP.No.9666/2022 and also taking into consideration the period of incarceration and further that the petitioners have got no previous case, this Court is inclined to grant bail to the petitioners.

(6) Accordingly, the petitioners are ordered to be released on bail on each of them executing a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Pollachi 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 petitioners shall report before the respondent police on every Monday at 10.30 a.m., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-

11/05/2022

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.I, POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ANAIMALAI POLICE STATION,
COIMBATORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. M.N.BALAKRISHNAN Advocate on payment of necessary charges SR.No.6968

CRL OP.10909/2022

Date :11/05/2022

CSK 11/05/2022