



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.OP.No.14173 of 2022

1.Ramji
2.Elango

..Petitioners/A1 & 2

Vs.

State Rep. by
The Inspector of Police,
Selvapuram Police Station,
Coimbatore District
crime No.90 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in PRC.No.53 of 2022 pending on the file of the learned Judicial Magistrate Court No-V, Coimbatore in respect of crime No.90 of 2022 on the file of the respondent police.

For Petitioners : Mr.M.N.Balakrishnan

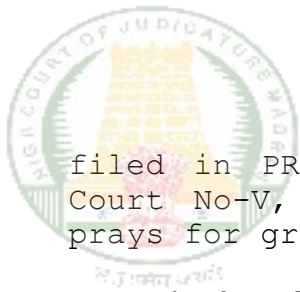
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 14.03.2022 in PRC.No.53 of 2022 pending on the file of the learned Judicial Magistrate Court No-V, Coimbatore for the offence punishable under Section 302 of IPC in respect of crime No.90 of 2022 on the file of the respondent police, seek bail.

2. It is the case of the prosecution that A1 introduced A2 to the deceased and the deceased received a sum of Rs.5,00,000/- from A2 before three years and he did not return the money. Therefore, on the occurrence day, A1 and A2 met the deceased and asked the money. At that time, there was a wordy quarrel, in which the deceased was stabbed with knife, thereby he died on the spot. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that after completing the investigation, charge sheet has been



filed in PRC.No.53 of 2022 before the learned Judicial Magistrate Court No-V, Coimbatore, which is pending for committal. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that there are totally two accused, in which the petitioners are A1 and A2. On the date of occurrence, the petitioners attacked the deceased with knife and the deceased, who had 24 stab injuries all over his body, died on the spot. He would further submit that the petitioners are habitual offenders, wherein the first petitioner so far involved in three previous cases and the second petitioner involved in four previous cases.

5. There are totally two accused, in which the petitioners are arrayed as A1 and A2. The second petitioner had lent loan to the tune of Rs.5,00,000/- to the deceased and thereafter he failed to repay the same except the interest. Therefore, on the date of occurrence on 14.03.2022, the petitioners went to his house and there was a wordy quarrel between them, due to which the petitioners stabbed the deceased with knife. He sustained 24 injuries in his all over the body. Therefore, he died. In the present case, investigation has been completed and filed final report, which is pending for committal in PRC.No.53 of 2022 on the file of the learned Judicial Magistrate Court No-V, Coimbatore.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners, this Court is inclined to grant bail to the petitioners. 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 blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-V, 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 court viz., Judicial Magistrate Court No-V, Coimbatore daily at 10.30 a.m. and 05.30 p.m. till the committal is over and thereafter report before the trial court daily at 10.30 a.m. and 05.30 p.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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

21/06/2022

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.V, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary charges SR.NO.9678

CRL OP.14173/2022

Date :21/06/2022

RVR 21/06/2022