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CrI.OP.No.20526 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2022

CORAM

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

CrI.OP.No.20526 of 2022

Sellakannan @ Kannan

...Petitioner

Vs.

State rep. by
Inspector of Police,
Anupparpalayam Police Station,
Tiruppur District.
Crime No.422 of 2022

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail, pending investigation in Crime No.422 of 2022. On the file of the Inspector of Police, Anupparpalayam Police Station, Tiruppur District.

For Petitioner : Mr.S.Parameswaran
For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.07.2022 for the offences punishable under **Sections 294(b), 323, 324 and 506(ii) of IPC @ 294(b), 323, 324, 506(ii) and 302 of IPC** in crime No.422 of 2022 on the file of the respondent police,



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seeks bail.

2. The case of the prosecution is that the *de-facto* complainant and the accused persons are working in STR car consultation and staying at Tiruppur. The said Company is selling the second hand cars on commission basis. On the date of occurrence, the petitioner and the *de-facto* complainant along with other friends were sharing the commission amount in drunken mood. At that time, there was a wordy quarrel between them, where A1 assaulted the *de-facto* complainant with hand, wooden log and threatened him. Hence, the complaint.

3. There are totally 4 accused, in which the petitioner is arrayed as A3. There was a wordy quarrel between the accused persons and the *de-facto* complainant while sharing their commission. Due to which, A1 attacked the deceased with hands and also wooden log. As far as the petitioner is concerned, he along with other accused attacked the deceased. Initially, the deceased sustained grievous injuries and admitted in the hospital. Subsequently, he died.



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4. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e., 12.07.2022, this Court is inclined to grant bail to the petitioner. 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 blood related sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Tiruppur**, 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 twice daily at 10.30 a.m. and 5.30 p.m. for a period of six weeks and thereafter as and when required for interrogation.

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court



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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.

29.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate No.II,
Tiruppur.
- 2.The Inspector of Police,
Anupparpalayam Police Station,
Tiruppur District.
- 3.Central Prison at Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras

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