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Crl.OP.No.21420 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2022

CORAM

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

Crl.OP.No.21420 of 2022

1.C.R.Komethagan @ Hopes

2. Prabhakar @ Prabhu

...Petitioners

Vs.

State represented by
The Inspector of Police,
Anupparpalayam Police Station,
Tirupur City.
(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 in Crime No.422 of 2022 on
the file of the respondent police.

For Petitioners :Mr.Deepanuday

For Respondent :Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 12.07.2022 for the offences punishable under Sections 294(b), 323, 324, 506(ii) & 302 of IPC in Crime No.422 of 2022, seeks bail.

2. There are totally four accused in this case and the petitioners are arrayed as A1 & A3. It is alleged that, there was a dispute in between the petitioners and the deceased in respect of sharing their commission payment, for which, the accused persons had attacked the defacto complainant with deadly weapon, thereafter, the deceased sustained grievous injuries and admitted in the hospital and subsequently died on 14.07.2022. Hence, the case.

3. The learned counsel for the petitioners submitted that co-accused in this case had already been granted bail by this Court in CrI.O.P.No.20526 of 2022. Hence, he prayed for grant of bail to the petitioners



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4. The learned Government Advocate (Crl. Side) already this Court dismissed the petitioners' bail petition in Crl.O.P.No.20338 of 2022 dated 30.08.2022. Hence, he opposed for grant of bail to the petitioners.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners from the date of arrest i.e., 12.07.2022, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing 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-III, 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 petitioners shall report before the respondent police



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twice daily at 10.30 a.m. and 5.30 p.m., for a period of four weeks and thereafter as and when required for interrogation.

[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.

07.09.2022

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To

1. Judicial Magistrate -III,
Tiruppur.
2. The Inspector of Police,
Anupparpalayam Police Station,
Tirupur City.
3. Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras



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G.K.ILANTHIRAIYAN, J.

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