



Crl.OP.No.22786 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

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1. Irshad

2. Mosin

3. Hakkim @ Abdul Hakkim

... Petitioners

Vs.

State by: Inspector of Police,
Ooty Town Central Police Station,
Nilgiris District.
Crime No.143 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioners in Crime No.143 of 2022 pending
investigation on the file of the respondent police.

For Petitioners : Mr.V.Illanchezian

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 15.07.2022 for the offence punishable under Section 302 of IPC in Crime No.143 of 2022 on the file of respondent police, seek bail.

2. The case of the prosecution is that on account of wordy altercation for demand of money, the petitioners along with the other accused had assaulted the brother of the de-facto complainant with hands, due to which, the victim sustained grievous injuries and in result, he died. Hence, the case.

3. Learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that even as per the prosecution, there was a wordy altercation and that the petitioners and the other accused are stated to have assaulted the deceased with hands. Further, no weapons have been used at the alleged occurrence and the petitioners have no intention to commit murder of the deceased. He would submit that the petitioners are in custody from



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15.07.2022. He would also submit that the co-accused in this case has been granted with bail by this Court in Crl.O.P.No.22360 of 2022 dated 19.09.2022 and hence, he seek to enlarge the petitioners on bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners along with the other accused, due to wordy altercation, had assaulted the victim, who was a mentally retarded person, with hands and also kicked him throughout the body, due to which, he died. Hence, he vehemently opposed to grant bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also the period of incarceration suffered by the petitioners from 15.07.2022 and also the fact that no weapons were used, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) each** with **two sureties**, each for a like sum to the



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satisfaction of the **learned Judicial Magistrate-I, Ariyalur** 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 stay at Coimbatore and report before the Inspector of Police, R.S.Puram Police Station, Coimbatore every day at 10.30 a.m., and 5.30 pm., 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



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can be registered under Section 229A IPC.

20.09.2022

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To

1. The Judicial Magistrate-I, Ariyalur.
2. The Inspector of Police,
Ooty Town Central Police Station,
Nilgiris District.
3. The Central Prison,
Coimbatore.
4. The Inspector of Police,
R.S.Puram Police Station, Coimbatore.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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