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Crl.O.P.No.22768 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

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

Crl.O.P.No.22768 of 2022

Sreehari

..Petitioner

Vs.

State rep by
The Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore District.
Crime No.303 of 2022

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in Crime No.303 of 2022 pending on the file of the respondent police, on such terms and conditions and as this Court may deem fit and proper.

For Petitioner	: Mr.S.N.Arunkumar
For Respondent	: Mr.S.Santhosh, Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.07.2022 for the alleged offence punishable under Sections 294(b), 341, 324 and 307 of IPC altered into Sections 294(b), 341, 324, 307 and 302 of IPC in Crime No.303 of 2022 on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that there are totally two accused in this case and both are brothers. It is alleged that one Manikandan, who is the brother of the petitioner and the deceased was doing business. While so, there was a dispute with regard to settling the commission. On the date of occurrence, the accused called the deceased and both went to the occurrence place. At that time, the petitioner caught hold the deceased and thereby A1 attacked the deceased with knife. Thereafter, the deceased was admitted in a private hospital and on the next day, the deceased died in the hospital. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Therefore, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the specific overt act against the petitioner is that the petitioner caught hold the deceased and A1 had attacked the deceased with knife. Hence, he vehemently opposed to grant



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bail to the Petitioner.

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5. Considering the above facts and circumstances of the case and taking note of the fact the period of incarceration i.e, the date of arrest on 14.07.2022, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail, before the learned Judicial Magistrate Court-VII, Coimbatore on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood sureties each for a like sum to the satisfaction of the respondent police failing which, the petition for bail shall stand dismissed 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 petitioner shall report before the respondent Police daily Morning at 10.30 a.m and Evening at 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.



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[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 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.

21.09.2022

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To

- 1.The Judicial Magistrate Court-VII, Coimbatore.
2. The Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore District.
- 3.The Public Prosecutor,
High Court of Madras.
- 4.Central Prison,
Coimbatore.



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G.K.ILANTHIRAIYAN, J.

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