



Crl.O.P.No.24561 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

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

Crl.O.P.No.24561 of 2022

Raja Kannappan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sirumugai Police Station,
Coimbatore.
(Crime No.230 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in the the case pending investigation
in Crime No.230 of 2022, on the file of the respondent Police.

For Petitioner : Mr.Kingsly Solomon J

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.08.2022, for the offences punishable under Section 302 of IPC @ 302, 147, 148, 294(b), 341, 506(2), 120(b), 109 of IPC, in Crime No.230 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on account of financial dispute and business rivalry, the accused entered into a conspiracy and had committed the murder of one Kalaiyappan. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case based on rivalry on account of business motive and financial dispute. He would further submit that the petitioner and the deceased are relatives and even as per the complaint, the defacto complainant has only stated that he has suspected that the petitioner could have engaged the other accused. He would further submit that the petitioner is in custody from 15.08.2022 i.e., for the past more than 50 days and major part of the investigation is already over. Therefore, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner and the defacto complainant are relatives. On account of business rivalry, the petitioner had engaged rowdy elements and had committed the murder of the victim. He would further submit that the other accused, who have arrested, have confessed that the petitioner is the person, who has arranged hirelings and committed the murder. He would also submit that apart from this case, there are three previous cases pending against the petitioner. Therefore, he vehemently opposed to grant bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that the other cases are related to Prohibition and Lotteries Act and no other murder case is pending against the petitioner.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.



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7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the fact that the period of incarceration suffered by the petitioner and the major part of the investigation is already over, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** each with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Mettupalayam**, 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 stay at Chennai and report before the Inspector of Police, North Beach Police Station, Chennai, daily at 10.30 a.m and 5.30 p.m., until further orders;

[c] the petitioner shall not abscond either during



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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 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.

11.10.2022

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To

1. The Judicial Magistrate, Mettupalayam.
2. The Inspector of Police,
Sirumugai Police Station,
Coimbatore.



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A.D.JAGADISH CHANDIRA., J.

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3. The Central Prison, Coimbatore.

4. The Public Prosecutor,
High Court of Madras.

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