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Crl.O.P.No.1336 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.1336 of 2023

Muthupandi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
B-4, Ukkadam Police Station,
Coimbatore District.

(Crime No.92 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in S.C.No.99 of 2022 on the file of
the learned Special Judge for Bomb Blast Court, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.04.2022 for the offences punishable under Sections 120(B), 341, 147, 148, 294(b), 307, 302 of IPC @ Sections 120(B), 341, 147, 148, 294(b), 307, 302 of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.92 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to the previous enmity, the accused waylaid the de-facto complainant and his friends, who came in their auto and there was a wordy quarrel between them, during which, the accused have assaulted the de-facto complainant and his friends with knife, causing injuries. The further allegation is that the de-facto complainant's friend who was admitted in the hospital, died without responding to the treatment. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he happens to be the friend of the main accused Surya. He further



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submitted that the petitioner is no way connected with the alleged occurrence. He also stated that the petitioner is the person who came to resolve the issue between two gangs. He also submitted that the similarly placed co-accused were released on bail and the petitioner is in custody from 26.04.2022. He also stated that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court and hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that due to the previous dispute between two rival gangs, the petitioner along with the other accused waylaid the de-facto complainant and his friends and assaulted them with knife, in which de-facto complainant's one of the friends died without responding to the treatment. He also submitted that the respondent has completed the investigation and filed the final report, which has been taken up on the file of the learned Special Judge for Bomb Blast Court, Coimbatore in S.C.No.99 of 2022. He further submitted that six previous cases are pending as against this petitionr.

Hence, he vehemently opposed to grant bail to the petitioner.



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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 sureties** (out of which, one should be the blood surety, who should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate No.V, Coimbatore**, 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;



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[b] the petitioner, except on all hearing dates before the learned Magistrate concerned, shall stay at Ramanathapuram and report before the Inspector of Police, Town Police Station, everyday at 10.30 a.m., for a period of two months;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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.

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T.V.THAMILSELVI,J.

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To

1. The Judicial Magistrate-v, Coimbatore.
2. The Inspector of Police,
B-4, Ukkadam Police Station,
Coimbatore District.
3. The Inspector of Police,
Ramanathapuram Town Police Station,
Ramanathapuram,
4. The Central Prison,
Coimbatore.
5. The Public Prosecutor,
High Court of Madras.

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23.01.2023