



Crl.O.P.No.7954 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

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

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1. Pradeep

2. Subash

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Kovilpalayam Police Station,
Coimbatore District.

(Crime No.58 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners/accused on bail, in connection with the
Crime No.58 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.R.Radha Pandian

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 18.02.2023, for the offences punishable under Sections 294(b), 324 & 307 of IPC, in Crime No.58 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to the previous enmity with regard to murder of the first accused, in order to wreak vengeance, on 17.02.2023, the petitioner along with other accused conspired together and unlawfully assembled and abused the de-facto complainant in a filthy language and also attempted to murder him by assaulting him with patta knife, due to which, he sustained grievous injuries and later, taken to the hospital. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely roped in this case. He further submitted that due to the previous enmity, the de-facto complainant had given a false complaint as against the petitioners and the petitioners are no way connected with the alleged offence. He also submitted



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that the petitioners are in custody from 18.02.2023 and they are also ready to abide by any stringent conditions that may be imposed by this Court, hence, he prayed to grant bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for respondent submitted that the petitioners along with other accused, on retaliation to the murder of one Gokul, have conspired together and attempted to commit murder of the victim and pursuant to which on 17.02.2023, assaulted the de-facto complainant/victim with weapons, inflicting severe injuries. He further submitted that the injured has been discharged from the hospital and also submitted that the investigation is still pending. Hence, he vehemently opposed to grant bail to the petitioners.

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

6. Taking into consideration the facts and circumstances of the



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case, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain condition.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Annur**, 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 Kanyakumari and report before the Inspector of Police, Kanyakumari Police Station, everyday at 10.30a.m., 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,



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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.

13.04.2023

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To

1. The District Munsif cum Judicial Magistrate,
Annur.
2. The Inspector of Polcice,
Kovilpalayam Police Station,
Coimbatore District.
3. The Central Prison,
Coimbatore District.
4. The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari.
5. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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