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Crl.O.P.No.9134 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

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

Crl.O.P.No.9134 of 2023

M.Sritharan

... Petitioner

Vs.

The State represented by its
The Inspector of Police,
Annur Police Station,
Coimbatore District-641001
(Crime No.125 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused No.1 in Crime No.125 of 2023,
pending on the file of the respondent Police.

For Petitioner : Mr.P.Gopinath

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.02.2023 for the offences punishable under Sections, 23, 294(b), 307, 324, 328 and 506(ii) IPC and section 4 of TNPHW Act, in Crime No.125 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's



husband, who is A1, was having illicit intimacy with one Ramya and hence, the said Ramya along with the petitioner and other accused, attempted to kill the defacto complainant by injecting pesticides. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped in this case. He further submitted that the said Ramya/A2 has been granted bail by this Court in Crl.O.P.No.8837 of 2023 by order dated 24.04.2023 and that the petitioner is in judicial custody from 28.02.2023, hence, he prayed to grant bail to the petitioner

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that A1 is the husband of the defacto complainant and he was having illicit intimacy with one Ramya/A2, for which, the said Ramya and A1 abused the defacto complainant in filthy language. Further, A1 and A2 along with the petitioner and other accused, attempted to kill the defacto complainant by injecting pesticides. Therefore, he opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned



Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and the fact that the co-accused has been granted bail by this Court and also considering 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, each for a like sum to the satisfaction of the learned **District Munsif cum Judicial Magistrate, Annur, 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;

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[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.

26.04.2023

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To

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

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