



Crl.O.P.No.9685 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.9685 of 2023

Suthakar

... Petitioner

Vs.

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

(Crime No.190 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in Crime No.190 of 2023,
pending investigation on the file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 28.03.2023, for the offence punishable under Sections 302 and 380 of



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IPC, in connection with Crime No.190 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant/Subramaniyan on 28.03.2023, due to money dispute, the petitioner along with another accused trespassed into the house of the defacto complainant and attacked her wife with knife and slit her throat and also taken away her jewels worth about Rs.10,000/-, as a result of which, she succumbed to injuries. 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. He further submitted that there is no material to show that the petitioner has involved in the alleged offence. He further submitted that even as per the First Information Report, the defacto complainant has implicated the petitioner in the offence only based on the suspicion. He also submitted that the petitioner is in custody from 28.03.2023. Hence, he prayed to grant bail to the petitioner.



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4. Learned Additional Public Prosecutor appearing for the respondent police submitted that due to money dispute, the petitioner along with another accused trespassed into the house of the defacto complainant and attacked her wife with knife and slit her throat and also taken away her jewels worth about Rs.10,000/-, as a result of which, she succumbed to injuries. He also submitted that the investigation is yet to be completed and if the petitioner is let out on bail, the investigation would be hampered and hence, he opposed the grant of bail.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and perused the entire materials available on record.

6. .Taking into consideration of the facts and circumstances of the case, the period of incarceration undergone by the petitioner and that further custody of the petitioner is not required for investigation, this Court is inclined to grant bail on the following conditions;



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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 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 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;

[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]***;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

10.05.2023

vk

To

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



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SUNDER MOHAN, J

vkr

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