



CrI.O.P.No.11899 of 2023

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A. D. JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 302 and 506(ii) of IPC, in Crime No.81 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Muthu Pandu is that, due to previous enmity, A1/Sanjai Raja along with his four associates had committed the murder of his friend Sathiya Pandu by inflicting injuries with sickle and also shooting him with illegal guns and also had threatened the public in that area. Based on the complaint, a case was registered by the respondent police for the alleged offences punishable under Sections 147, 148, 302 and 506(ii) of IPC.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that even as per the FIR, the defacto complainant



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had stated that only five persons who have come on two wheelers had committed the murder of the victim. The petitioner has been roped in this case based on the alleged confession stated to have been recorded from one of the co-accused. The allegation against him is that the petitioner has given accommodation to the accused and after the occurrence had provided his vehicle for them to travel from Coimbatore to Chennai. He would submit that the petitioner is not aware of the plan of the other accused to commit murder and the petitioner had innocently given his vehicle without the knowledge of the offence being committed by the accused. He would also submit that there is no previous case against him and the main accused have surrendered before various Courts and later they have been taken into custody and the petitioner also understands that the main accused have been detained under Act 14. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that main accused in this case had committed the murder of one Sathiya Pandey by inflicting injuries with sickle and also shooting him with illegal



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WEB COPY guns and also had threatened the public in that area. He would submit that the petitioner was not available at the place of occurrence and he is the person who has given accommodation to the main accused and later provided his Innova car for them to travel from Coimbatore to Chennai. Hence, he vehemently opposed the grant of anticipatory bail to the petitioner.

5.Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (Crl.side) appearing for the respondent and perused the materials available on record including the FIR and the confession statement alleged to have been recorded from one A1/Sanjai Raj.

6.Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is ordered to be released on bail in



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the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before **the learned Judicial Magistrate Court-III, Coimbatore**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned



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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 absconds, a fresh FIR can be registered under Section 229A IPC.

8.With the above directions, this Criminal Original Petition is ordered.

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