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Crl.OP.No.11955 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.11955 of 2023

Aswin

... Petitioner

Vs.

State by
The Inspector of Police
Vadavalli Police Station
Coimbatore District
Crime No.80 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the Petitioner on bail in Crime No.80 of 2023 pending
investigation on the file of the respondent-police.

For Petitioner : Mr.S.Ramesh

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER



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The Petitioner, who was arrested and remanded to judicial custody on 25.03.2023 for the offence punishable under Section **307 IPC @ into Section 302 IPC**, in Crime No.80 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the prosecution is that 22.03.2023, the petitioner along with other accused alleged to have caused injuries on the head of the deceased by hitting him with wooden log which is used for exercising (In Tamil Karalakattai) due to which, the deceased sustained injuries. Initially, the case was registered for the offence under Section 307 IPC. Subsequently, the injured died on 25.03.2023 and hence, the offence was altered into Section 302 IPC.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the Petitioner has been suffering incarceration from 25.03.2023. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the



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respondent police vehemently opposed for grant of bail to the Petitioner stating that there are 4 accused in this case and the Petitioner is arrayed as A1. A2 has been detained under Goondas and as on date, all the 4 accused are in judicial custody. He further submitted that due to previous enmity, the petitioner along with other accused caused injuries on the head and vital parts of the body of the victim namely Siranjeevi, using wooden log (in Tamil Karalakattai) due to which, he sustained injuries and subsequently, died.

5. Heard the learned counsel for the Petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record including the First Information Report.

6. Considering the above facts and circumstances and also considering the period of incarceration suffered by the Petitioner, this Court is inclined to grant bail to the Petitioner with certain 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 out of which, one surety shall be a blood relative of the petitioner**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-VI, Coimbatore**, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) **the Petitioner shall stay at Chennai and report before the Inspector of Police, Esplanade Police Station, everyday at 10.30 a.m., until further orders. The petitioner shall not leave Chennai without the permission of the Inspector of Police, Esplanade Police Station.**

(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioner shall not abscond either during investigation or trial;



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(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8. If there is any violation in any of the aforesaid conditions, the Investigating Officer shall approach the Magistrate concerned and seek for cancellation of bail.

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SATHI KUMAR SUKUMARA KURUP,J.

Ksa-2/Ssi

To

1. The Judicial Magistrate-VI, Coimbatore
2. The Inspector of Police
Vadavalli Police Station
Coimbatore District
3. The Inspector of Police,
Esplanade Police Station, Chenani
4. Central Prison, Coimbatore
5. The Public Prosecutor,
High Court of Madras.

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25.05.2023