



Crl.O.P.No.12417 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

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

Crl.O.P.No.12417 of 2023

1. Nambiessakkikannan
2. Ananda Babu

... Petitioners

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.,
pleaded to enlarge the petitioners on bail in Crime No.80 of 2023 pending
investigation before the respondent police.

For Petitioners : Mr.S.Ramesh

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



ORDER

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The Petitioners, 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, seek bail.

2. The case of the prosecution is that 22.03.2023, the petitioners 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 Petitioners would submit that the Petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the main accused/A1 has been granted bail by this Court in Crl.O.P.No.11955 of 2023 by order dated 25.05.2023 and that the Petitioners have been suffering incarceration from 25.03.2023. Therefore, he prays for grant of bail to the Petitioners.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent police vehemently opposed for grant of bail to the Petitioners stating that there are 4 accused in this case and the Petitioners are arrayed as A3 and A4. He further submitted that due to previous enmity, the petitioners 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 Karlakattai) due to which, he sustained injuries and subsequently, died. However, he would fairly admit that the main accused/A1 has been granted bail by this Court by order dated 25.05.2023.

5. Heard the learned counsel for the Petitioners 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 the submissions made by the learned counsel on either side and the period of incarceration undergone by the Petitioners and also of the fact that the main accused/A1 has been granted bail by this Court, this Court is inclined to grant bail to the Petitioner with certain conditions:



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

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

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

(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.



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(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.

06.06.2023

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To

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

Copy to:

Inspector of Police,
Esplanade Police Station, Chennai.



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A.D.JAGADISH CHANDIRA,J.,

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