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Crl.O.P.No.12590 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.06.2023

CORAM:

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

Crl.O.P.No.12590 of 2023

Dinesh

... Petitioner

/versus/

State, Rep by:
The Inspector of Police,
Peelamedu Police Station,
Coimbatore City.
(Crime No.208 of 2023)

.. Respondent

Prayer: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail, pending investigation of the case in Crime No.208 of 2023 on the file of the respondent.

For petitioner : Mr.M.Vijayaragavan

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 02.04.2023, in connection with Crime No.208 of 2023 registered for the offences under Sections 147, 148, 294(b), 323, 342, 307, 302 and 506(ii) of IPC on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the defacto complainant/ Nandhakumar is that there was an enmity between the defacto complainant and the accused, on account of quarrel inside a bus, for which, the accused had called the defacto complainant and his friend Bhuvanesh for settlement talks and when the defacto complainant along with his friend had gone for settlement talks, the accused had surrounded them and assaulted them indiscriminately with aruval and knife, resulting in his friend Bhuvanesh sustaining grievous injuries and died on the spot. Hence the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner, aged about 19 years, is an innocent person and he has been



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falsely roped-in in this case as A4, since he happens to be the friend of the main accused. He further submitted that the petitioner was not at all present at the scene of occurrence and even as per the First Information Report, the allegations against the petitioner is that he is stated to have caught hold of the victim's legs and he has not inflicted any injury on the victim. He also submitted that the petitioner is in custody from 02.04.2023. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (crl.side) appearing for the respondent Police submitted that the petitioner is a notorious element, against whom, there is a previous case registered for the offence under Section 379 of IPC. He further submitted that as far as this case is concerned, the petitioner is the friend of A1 and there was a previous enmity between A1 and the defacto complainant and during the settlement talks, the accused had attacked the defacto complainant and his friend, indiscriminately with aruval and knife, due to which, the victim died on the spot. Hence, he opposed for grant of bail to the petitioner.



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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 and submissions made by the learned counsel on either side and the age of the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

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 should be either mother or father of the petitioner) each for a like sum to the satisfaction of the **learned Judicial Magistrate-II, 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



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or Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Chennai and report before the Inspector of Police, Flower Bazaar Police Station, 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]***;

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

07.06.2023

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To

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1.The Judicial Magistrate-II, Coimbatore

2. The Inspector of Police,
Peelamedu Police Station,
Coimbatore City.

3.The Central Prison,
Coimbatore.

4.The Public Prosecutor,
High Court, Madras.

A.D.JAGADISH CHANDIRA,J.



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