



Crl.O.P.No.13767 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

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

Crl.O.P.No.13767 of 2023

Govindaraj

... Petitioner

Vs.

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

(Crime No.199 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner, in Crime No.199 of 2023, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.R.Selvakumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.04.2023, for the offence punishable under Sections 294(b) & 302 of IPC, in connection with Crime No.199 of 2023, registered on the file of the respondent, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that the accused and the de-facto complainant are neighbours and on 01.04.2023, the accused had picked up a quarrel with her and abused her in a filthy language, due to which, the husband of the de-facto complainant had questioned the accused, during which, the accused had attacked the de-facto complainant's husband with wooden log, thereby, he died. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner (A1) is an innocent person and he has been falsely implicated in this case. He further submitted that the occurrence is stated to have taken place during the quarrel, and there is no intention on the part of the petitioner to commit murder of the deceased/victim. He also submitted that even as per the prosecution, the petitioner is stated to have inflicted only a single blow on the



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victim's back head. He further submitted that the petitioner is in custody from 01.04.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. He also submitted that major part of the investigation is over, hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that during the quarrel, petitioner along with other accused, had abused and had committed murder of the de-facto complainant's husband, by assaulting him with wooden log. He also submitted that investigation in this case is still pending and no previous case is pending against this petitioner. However, he opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also



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considering the period of incarceration undergone by this petitioner, this Court is inclined to grant bail to the petitioner with certain condition.

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, Sulur, 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 or Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Chennai and report before the Inspector of Police, C1, 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



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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.

21.06.2023

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To

1. The Judicial Magistrate,
Sulur,
Coimbatore.
2. The Inspector of Police,
Sulur Police Station,
Coimbatore District.
3. The Central Prison,
Coimbatore.
4. The Inspector of Police,
C1, Flower Bazaar Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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