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CrI.O.P.No.14197 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

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

CrI.O.P.No.14197 of 2023

Gnanasekar @ Sekar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Race Course Police Station,
Coimbatore City.

(Crime No.82 of 2023).

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.82 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.Deepanuday

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.02.2023, for the alleged offences under Sections 147, 148, 302, 307, 506(ii) of IPC @ Sections 120(B), 147, 148, 302, 307 & 506(ii) of IPC, in Crime No.82 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de facto* complainant/ Manoj Joshuva is that on account of previous enmity between two groups with regard to the murder of one Sri Ram, the accused had followed the deceased/victim and the *de facto* complainant and committed the murder of the deceased/victim, outside the Court premises, by indiscriminately assaulting him with Aruval. Hence, the case

3. Learned counsel appearing for the petitioner submitted that the petitioner, who is aged about 26 years, is an innocent person and he has been falsely implicated in this case, only based on the confession of the arrested accused. He also submitted that the specific overt act attributed as against this petitioner (A9) is that he had facilitated the sixth accused to escape from



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the scene of occurrence by offering his bike and other than that, the petitioner has not even touched the deceased/victim. He further submitted that the petitioner has not committed any offence and also, there is no material to connect the petitioner to this crime. He also submitted that the petitioner is in custody from 16.02.2023. He further submitted the similarly placed co-accused has been granted bail by this Court in CrI.O.P.No.13499 of 2023 vide order dated 19.06.2023. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (CrI. Side) appearing for the respondent Police submitted that the petitioner is arrayed as A9 in this case. He further submitted that due to the gang rivalry on account of the murder of one Sri Ram, who belongs to the accused's gang, on 13.02.2023, the accused had committed the murder of the victim/Gokul by indiscriminately assaulting him with Aruval. He further submitted that the overt act attributed as against the petitioner is that he had facilitated the sixth accused to escape from the scene of occurrence by offering his bike. He also submitted that the investigation has been completed and the final report has also been filed before the learned Judicial Magistrate No.III, Coimbatore and it is yet to be



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taken on file. He further submitted that no previous case is pending against the 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 materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either sides, taking note of the specific overt act attributed as against this petitioner and also considering the period of incarceration undergone by the petitioner and his previous antecedents, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond each 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 No.III, Coimbatore**, and on further conditions that:



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[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 appear before the learned Judicial Magistrate No.III, Coimbatore, on all working days at 10.30 a.m., and also report before the respondent Police, everyday at 6.30 p.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.

27.06.2023

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A.D.JAGADISH CHANDIRA.,J.

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To

1. The Judicial Magistrate No.III,
Coimbatore.
2. The Inspector of Police,
Race Course Police Station,
Coimbatore District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

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