

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

CORAM

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

Crl.O.P.No.14297 of 2023

1. Chinu @ Swiksan Bernalt
  2. Vivekey @ Vishnu Prakash
- ... Petitioners

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.,  
pleaded to enlarge the petitioners/accused on bail, in connection with the  
Crime No.82 of 2023, pending investigation on the file of the respondent  
Police.

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

**ORDER**

The petitioners, who were arrested and remanded to judicial custody on 25.05.2023, for the alleged offences under Sections 147, 148, 302, 307, 506(ii) of IPC @ Sections 120(B), 147, 148, 302 & 506(ii) of IPC @ 27(3) of Arms Act, in Crime No.82 of 2023, registered on the file of the respondent police, seek 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 petitioners submitted that the petitioners, who are aged about 23 & 24 years respectively, are innocent persons and they have 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 these petitioners (A10 & A13 respectively) is that

they had harboured the main accused by giving them accommodation at Ooty and other than that, the petitioners have not even touched the deceased/victim. He further submitted that the petitioners have not committed any offence and also, there is no material to connect the petitioners to this crime. He also submitted that the petitioners are in custody from 25.05.2023. He further submitted the similarly placed co-accused has been granted bail by this Court in Crl.O.P.No.13499 of 2023 vide order dated 19.06.2023. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioners are arrayed as A10 & A13 respectively, 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 cutting him with Aruval. He further submitted that the overt act attributed as against the petitioners is that they had harboured the main accused by giving them accommodation at Ooty. 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

taken on file. He further submitted that no previous case is pending against the petitioners, however, he opposed for grant of bail to the petitioners.

5. Heard the learned counsel for the petitioners 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 these petitioners and also considering the period of incarceration undergone by the petitioners and their previous antecedents, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing separate 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:

[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 petitioners 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 petitioners shall not abscond either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

**Crl.O.P.No.14297 of 2023**

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