



Crl.OP.No.15973 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.OP.No.15973 of 2023

Panchu Gowda

..Petitioner

Vs.

The State Rep. By
The Inspector of Police,
Gomangalam Police Station,
Coimbatore.
Crime No.54 of 2023

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending trial in P.R.C.No.22 of
2023 on the file of the learned Judicial Magistrate No.2, Pollachi.

For Petitioner : Mr.P.Thinesh

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



Crl.OP.No.15973 of 2023

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.04.2023 for the offences punishable under Sections 174 of Cr.P.C. Subsequently altered into Sections 302 and 201 of IPC pending in P.R.C.No.22 of 2023 on the file of the learned Judicial Magistrate No.2, Pollachi in connection with Crime No.54 of 2023, seeks bail.

2. The learned counsel for the petitioner submitted that, deceased is the brother of the petitioner. It is alleged that, petitioner had murdered his brother namely Prabhula Gowda. Petitioner is in Judicial Custody from 08.04.2023. Thus, he seeks bail to the petitioner.

3. In response, the learned Government Advocate (Crl. Side) submitted that, deceased suspected petitioner/A1 in this case that he had some illegal connection with his wife. Therefore, there was a quarrel between them. As a sequel, on 13.03.2023, petitioner/A1 had beaten the deceased. A2, who is the employer of the petitioner/A1 and the deceased, had sent both the petitioner/A1 and the deceased to Odisha from



Crl.OP.No.15973 of 2023

Tiruppur. Instead of going to Odisha, both went to Coimbatore, wherein petitioner/A1 had hit the deceased with wooden log. As a result, deceased sustained injuries and died. He further submitted that, investigation in this case is completed and final report is also filed and the same has been taken cognizance in P.R.C.No.22 of 2023 on the file of the learned Judicial Magistrate No.2, Pollachi.

4. Considering the nature of the allegations and the fact that the accused is in Judicial Custody from 08.04.2023 and that the investigation in this case is completed and final report is also filed and the same has been taken cognizance in P.R.C.No.22 of 2023, this Court is inclined to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five thousand only) with **two sureties(out of which, one shall be from his native place)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.2, Pollachi** and on further conditions that :-

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the



CrI.OP.No.15973 of 2023

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.2, Pollachi on all working day for one month and thereafter on all hearing dates without fail;

[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 absconds, a fresh FIR can be registered under Section 229A IPC.



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Crl.OP.No.15973 of 2023

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Crl.O.P.No.15973 of 2023

19.07.2023