



Crl.O.P.No.17815 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

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

Crl.O.P.No.17815 of 2023

John Robinth @ Paippu Vilai John

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Race Course Police Station,
Coimbatore .
(Crime No.81 of 2023).

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in connection with Crime No.81 of 2023 on the file of respondent herein.

For Petitioner : Mr.V.Karthikeyan for Mr.S.Joel

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.04.2023 for the offence punishable under Sections 147, 148, 302, 506(2), 120B IPC and Section 27(3) Arms Act in Crime No.81 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as an accused in Crime No.81 of 2023 for the offences punishable under Sections 147, 148, 302, 506(2), 120B IPC and Section 27(3) Arms Act, alleging that, petitioner was one of the accused, and he allowed his house to be used for conspiracy to murder the deceased. He further submitted that, petitioner is in judicial custody from 06.04.2023. The investigation in this case is completed and final report is filed. Therefore, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor, opposed this petition, on the ground, A1 and deceased are rowdy elements. Both planned to murder each other. However, it appears that, A1 and his men succeeded. This is the 2nd bail petition. Earlier petition filed by the petitioner was



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dismissed as withdrawn on 04.07.2023. Thus, he prays for dismissal of this petition.

4. Considered the rival submissions and perused the records.

5. From the materials produced before this Court, it appears that, petitioner's house was used for conspiracy, to commit murder of the deceased. However, there is no indication, as to whether, the petitioner was also present at the time of the conspiracy.

6. Considering the fact that, there is no indication, as to whether, the petitioner was also present, at the time of the conspiracy and that petitioner is in judicial custody from 06.04.2023 and that investigation in this case is completed, this Court is inclined to grant bail to the petitioner with conditions and 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.3, 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 report before the Thiruvanmiyur Police Station, Chennai daily morning 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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To

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

G.CHANDRASEKHARAN. J.

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