



Crl.O.P.No.604 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.604 of 2024

Siva S/o. Palani

...Petitioner/Accused-1

Vs.

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

(Crime No.151 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.151 of
2023 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.R.Radhapandian

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioner/A1 in Crime No.151 of 2023, registered by the respondent initially for the offence under Section 326A of IPC and subsequently, altered to Sections 326A and 302 of IPC, seeks bail. The petitioner had been remanded to custody on 23.03.2023.

2.It is the case of the prosecution that when the deceased came over to the Judicial Magistrate I, Coimbatore, for a case, the petitioner herein, who was her husband but from whom she had got separated and was living with another person, also came to the said Court had poured acid over her and initially causing burn injuries and later, she succumbed to those injuries and died.

3.The dying declaration of the deceased had been recorded when she was in the hospital wherein she had clearly stated that this accused poured acid over her. The defacto complainant is an Advocate and he was also present in the said Court.



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4.It is stated that A2 and A3 are parents of this petitioner and they had been granted anticipatory bail and they were directed to surrender before the Trial Court since they were not taken into custody during the course of investigation.

5.It is also stated that after completion of investigation, final report has been filed and the same has been taken cognizance as P.R.C No.147 of 2023 by the Judicial Magistrate III, Coimbatore.

6.It is thus seen that the prosecution will now have to produce the witnesses to speak about the incident. The petitioner should be given an opportunity to explain the reasons for his act. Taking that factor into consideration and to provide fair opportunity to the petitioner to face trial, I am inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten



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Thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate 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 Judicial Magistrate III, Coimbatore, where PRC.No.147 of 2023 is pending, everyday at 10.30 a.m., till committal and after the case is being committed, appear before the concerned Sessions Court everyday at 10.30 a.m., till the charges are framed and thereafter during the Court hearing dates.

[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



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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.

31.01.2024

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To

1. The Judicial Magistrate III, Coimbatore.
2. The Central Prison, Coimbatore.
3. The Inspector of Police,
Race Course Police Station,
Coimbatore District.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.
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