



Crl.O.P.No.726 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM

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

Crl.O.P.No.726 of 2024

Sanjaikumar

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
C-2, Race Course Police Station,
Coimbatore District.

(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 concerned in Crime No.81 of
2023 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.B.S.Manikandan

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



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ORDER

The petitioner/A2 in Crime No.81 of 2023, registered by the respondent police for the offences punishable under Sections 148, 302, 506(ii), 120B, 449, 34, 109, 201 of IPC and Section 27(3), 25(B)(a) of Arms Act. The petitioner had surrendered before the Judicial Magistrate I, Arakkonam, on 15.02.2023.

2.It is stated that there are totally nine accused and A4, A6 and A8 had been granted bail but A1, A2, A3, A5 & A7 are in custody.

3.It is stated that on 12.02.2023, owing to previous enmity, the accused had chased the deceased, who ran into the house of one Pichaimuthu to save himself. But the accused had entered into that house and committed the act of murder.

4.It is also stated that final report had been filed and the same had been taken cognizance as P.R.C.No.113 of 2023 by the Judicial Magistrate III, Coimbatore.



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5.A counter affidavit had been filed on behalf of the respondent wherein it is seen that the respondent have examined and recorded statements of eleven witnesses and completed their investigation.

6.This Court had adjourned the matter on the ground that the learned Judicial Magistrate should commit the case to the Court of Sessions but it is stated that for nearly six months the matter had not yet been committed.

7.Taking into consideration the fact that investigation has been completed and some of the co-accused had already been granted bail, I am inclined to grant bail to the petitioner subject to the following conditions:

8.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 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] Initially, the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of 20 days and thereafter, appear before the Judicial Magistrate III, Coimbatore, everyday at 10.30 a.m., till the matter is committed to the Court of Sessions. when the matter is committed to the Court of Sessions, appear before the Sessions Court, 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 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.

13.02.2024

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C.V.KARTHIKEYAN. J.
ata

To

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

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