



Crl.O.P.No.15533 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.07.2024

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.15533 of 2024

Shajahan,
S/o.Anifa

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Kuniyamuthur Police Station,
Coimbatore City,
Coimbatore Dt.
(Crime No.198 of 2024)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.198 of 2024 pending on the file of respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.V.Meganathan,
Govt. Advocate (Crl.Side.)



Crl.O.P.No.15533 of 2024

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.06.2024 for the alleged offence under Sections 294(b), 324, 307, 506(ii) of I.P.C. in Crime No.198 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is brother of victim. As there was a money dispute exists between A1 and the victim, on the date of alleged occurrence, the victim demanded the accused to repay his money, as a result of which, there was a wordy quarrel between them, thereby both of them assaulted each other with knife, wherein A1 admitted in hospital and died and the victim admitted in hospital. This petitioner was also sustained injury. Hence, the complaint was registered against the petitioner.

3. The learned counsel for the petitioner submitted that this petitioner is common friend of both victim and A1. He would submit that due to attack between both the defacto complainant and A1, he gave a



Crl.O.P.No.15533 of 2024

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complaint, which was registered in Crime No.199 of 2024, as a counterblast, the present complaint has been filed. He would submit that due to the money dispute, there was a quarrel between victim and A1, as a result of which, both attacked each other and sustained injuries, in which A1 died. He would submit that there is no specific overtact attributed against the petitioner. He would submit that he has not at all committed any offence as alleged by the respondent police and he is no way connected with the occurrence. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 19 days from 14.06.2024. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that it is a case of murder, in which, the petitioner is arrayed as A2. He would submit that on the date of occurrence, in view of money dispute, there was a wordy quarrel between them, thereby both victim and A1 attacked each other, thereby A1 sustained injuries and subsequently died. He would submit that no previous case pending against the petitioner and it is a case in counter. He would also submit that if he is



Crl.O.P.No.15533 of 2024

released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also considering the fact that it is a case in counter, and no previous case pending against the petitioner and also the fact that due to money transaction, there was a wordy quarrel, in which both victim and A1 attacked with each other, thereby the alleged occurrence happened and considering the fact that the investigation almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. 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 No.VII, Coimbatore**, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate



CrI.O.P.No.15533 of 2024

WEB COPY

may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioner shall appear before the respondent police on every Tuesday and Saturday at 10.30 a.m. for the period of three months ;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

04.07.2024

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CrI.O.P.No.15533 of 2024

To
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1. The Judicial Magistrate No.VII, Coimbatore.
2. Inspector of Police,
Kuniyamuthur Police Station, Coimbatore City, Coimbatore Dt.
3. The Superintendent of Prison,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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Crl.O.P.No.15533 of 2024

T.V. THAMILSELVI, J.

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Crl.O.P.No. 15533 of 2024

04.07.2024