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Crl.O.P.No.22880 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.22880 of 2024

Prakash

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thudiyalur Police Station,
Coimbatore City.
(Crime No. 229 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 229 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.K.Balasubramaniam

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 24.06.2024, for the alleged offence punishable under Sections 294(b),



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323, 307, 302 of IPC, in Crime No. 229 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased is the friend of the defacto complainant. A1 and the brother's daughter of the deceased are having a love affair. While so, on 22.06.2024, at about 2.00 p.m., when the defacto complainant along with his relative was travelling in a car, at that time, they found the petitioner and asked him about the defacto complainant's brother's daughter, due to which, a wordy quarrel arose between, for which, the accused persons attacked the defacto complainant with a knife and caused injuries to him. The deceased was admitted in the hospital and later he died. Hence the case.

3. Learned counsel appearing for the petitioner submitted that this is the second bail petition filed by the petitioner. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for



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more than 80 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally three accused in this case and the petitioner herein is arrayed as A3. He further submits that the petitioner along with other accused had kidnapped the brother's daughter of the deceased, due to which, there was a wordy quarrel, for which, the accused had attacked the deceased with a knife and caused injuries. Thereafter, the deceased was taken to the hospital and died. He further submits that the investigation was completed and the charge sheet was also filed, and there is no previous case, pending against him. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions made by the learned counsel on either side, and considering the period of incarceration undergone by the



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petitioner, and there is no previous case pending against the petitioner, and investigation was completed and the charge sheet was also filed and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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.I, Coimbatore and on further conditions that:-

[a] the petitioner shall report before the concerned Jurisdictional Magistrate, on all working days at 10.30 a.m., until further orders.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



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[d] the Petitioner shall not abscond either during investigation or trial;

[e] 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]; and

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

18.09.2024

drl

To

- 1.The Judicial Magistrate No.I,
Coimbatore.
- 2.The Inspector of Police,
Thudiyalur Police Station,
Coimbatore City.
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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