



CRL O.P. No.22127 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :09.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22127 of 2024

S.Munusamy

... Petitioner / Accused - 2

Vs

State rep. by
The Inspector of Police,
Singanallur Police Station,
Coimbatore City,
Coimbatore District.

(Crime No.356 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.356 of 2024, on the file of the respondent.

For Petitioner : Mr.B.Mohan

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



ORDER

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The petitioner, who was arrested and remanded to judicial custody on 15.07.2024 for the offence punishable under Section 105 of BNS, 2023, in Crime No.356 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 14.07.2024, the defacto complainant's husband and the accused went to a liquor shop and consumed alcohol. There was already a previous enmity between A3 and the deceased, while consuming alcohol, there was a wordy quarrel between them and the accused assaulted the defacto complainant's husband and the deceased died on the spot. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has been in custody for more than 52 days. He would further submit that A1 and A3 were granted bail by the Sessions Court and there is no previous case against the petitioner. He would further submit that the petitioner is ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) for the respondent would submit that the deceased and the accused went to the liquor shop for consuming alcohol. While consuming alcohol, due to previous enmity, the petitioner along with the other accused picked up quarrel with the deceased and committed murder on him. He would further submit that investigation has been almost completed and there is no previous case against the petitioner. He would further submit that co-accused have been released on bail by the learned Sessions Judge. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering that the material part of investigation has been completed and that co-accused in this case have been granted bail by the Sessions Court and that there is no previous case against the petitioner and also considering the number of days of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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[a] 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.III, Coimbatore District**, and on further conditions that;

[b] the Petitioner shall report before the jurisdictional Judicial Magistrate on all working days at 10.30 a.m., until further orders.

[c] 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;

[d] 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;

[e] the Petitioner shall not abscond 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]; and

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

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To
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- 1.The Judicial Magistrate No.III, Coimbatore District.
- 2.The Inspector of Police,
Singanallur Police Station,
Coimbatore City,
Coimbatore District.
- 3.Central Prison, Coimbatore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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