



Crl.O.P.No.29750 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.29750 of 2024

Srikaran @ Sriharan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Periyanaikanpalayam Police Station,
Coimbatore District.
(Crime No.612 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.612 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.D.Sugumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

Petition seeking bail in respect of Crime No.612 of 2024 registered for the offences punishable under Section 103 of BNS @ 103, 191(2), 191(3), 296(b), 61(2) of BNS is on board for consideration.



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2. The incarceration of the petitioner being from 03.10.2024 pleading innocence on the part of the petitioner and false implication in the case, the learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner is none other than the friend of the deceased/victim and the incident is said to have taken place during the brawl that occurred when they were having liquor together. He further submits that there is no intention or motive on the part of the petitioner to murder his friend and he is ready to abide by any stringent condition that may be imposed by this court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the victim/deceased and the accused were friends, however, due to various other reasons, there exists a resentment between them and due to which, on the alleged date of occurrence, when they were having liquor together, there aroused a dispute between them, during such time, the accused had murdered the victim by assaulting him with stones and beer bottle. He further submits that the investigation is pending and there is no previous case against the petitioner.



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4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.V, Coimbatore**, and on further conditions that:

[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 report before the respondent Police everyday at 06.30 p.m., until further orders;

[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,



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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 269 of B.N.S.

28.11.2024

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To

1. The Judicial Magistrate No.V,
Coimbatore.
2. The Inspector of Police,
Periyanaikanpalayam Police Station,
Coimbatore District.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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