

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.7284 of 2020

1.Rasu @ Vasanthakumar ...Petitioners
2.Badangu @ Shanmugasundaram
3.Kiran@Kiyan
4.Diyanesha

Vs.

State Rep. By ...Respondent
The Inspector of Police,
Thudiyalur Police Station,
Coimbatore District
Crime No.119/2020.

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.119 of 2020 on the file of the respondent police.

For Petitioners : Mr.G.Karthikeyan

For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 02.03.2020 for the offence punishable under Sections 147, 148, 324, 307 & 506(ii) of IPC in Crime No.119 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 01.03.2020, while the defacto complainant and his friends were chatting in the occurrence place, at that time, the accused persons came there and picked up quarrel with the defacto complainant and others and assaulted them by using knife and wooden log and caused injuries to the defacto

complainant and two others and also threatened them with dire consequences. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not involved in the above alleged offence and they were no way connected with the offence as alleged by the prosecution. He further submits that the petitioners are in judicial custody from 02.03.2020 onwards and hence, he seeks bail for the petitioners.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that there was a wordy quarrel between the defacto complainant and the accused persons, in which the accused persons attacked the defacto complainant and two others with knife and wooden log and caused severe injuries. He further submitted that the injured persons have been discharged from hospital. Hence, he vehemently opposed to grant bail to the petitioners.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 02.03.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison;

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., commencing from 15.06.2020 to 26.06.2020 and thereafter as and when required for interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
08/05/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THUDIYALUR POLICE STATION,
COIMBATORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to MR.G.KARTHIKEYAN, Advocate on payment of necessary charges

CRL OP.7284/2020

Date :08/05/2020

TA-15/06/2020

WEB COPY