

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.7335 of 2020

1. Samson ... Petitioners
2. Aravind

Vs.

State Rep. By ... Respondent
The Inspector of Police,
E3, Saravanmpat Police Station,
Coimbatore District.
Cr.No.430 of 2020.

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.430 of 2020 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 13.03.2020 for the offence punishable under Section 307, 427, 506(ii) of IPC in Crime No.430 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that while the defacto complainant and the petitioner along with other accused persons were consuming liquor in a TASMAL shop, there was a wordy quarrel between them, during that time one of the accused persons attacked the defacto complainant with knife and ran away from the scene of occurrence. 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. Further he submits that the petitioners are in judicial custody for the past two months and hence, he seeks bail for the petitioners.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that there are totally three accused in this case. While the petitioners along with one another person were consuming liquor, there was a wordy quarrel between the petitioners and the defacto complainant. In that quarrel, the defacto complainant was attacked with knife by one of the accused and had sustained injuries. He further submitted that the victim was discharged from hospital and no previous case is pending as against the petitioners. He would submit that investigation is still pending. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Taking into consideration the nature of allegations against the petitioners in the FIR and also taking note of the fact that the petitioners are in judicial custody from 13.03.2020 and that the victim was also discharged from hospital, 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., 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 abscond, 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,
E3, SARAVANMPAT POLICE STATION,
COIMBATORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to MR.W.CAMYLES GANDHI, Advocate on payment of necessary charges

CRL OP.7335/2020

Date: 08/05/2020

TA-15/06/2020

WEB COPY