

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

CORAM:

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

Cr1.O.P.No.9547 of 2020

Karuppusamy

... Petitioner

Vs.

State represented by
The Inspector of Police
Annur Police Station
Coimbatore District
(Crime No.1222 of 2020)

... Respondent

PRAYER: This Criminal Original Petition filed under section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in Crime No.1222 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 04.06.2020 for the offences punishable under **Sections 324 IPC @ 341, 294(b), 323, 324 and 307 IPC in Crime No.1222 of 2020** on the file of the respondent police, seeks bail.

2.The case of the prosecution is that victim Mahali had illegal affair with the wife of A1. Hence, A1 along with the petitioner warned him and since he did not take heed, the petitioner along with co-accused took the victim to the secluded place and assaulted him with knife.

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 victim has been discharged from the hospital.

4.The learned Additional Public Prosecutor would submit that the petitioner had suspicion that his wife is having affair with A1 therefore, they have taken the victim to the secluded place and assaulted him with knife. He would further submit that the victim has been discharged from the hospital.

5.Taking into consideration of the facts and circumstances, this court is inclined to grant bail to the petitioner subject to the following conditions.

(a)accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release.

(b) The petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within 15 days from the date of lifting of the lockdown and the commencement of the court's normal functioning, failing which the bail granted by this court shall stand dismissed automatically,

(c) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrare may obtain a copy of their Aadhar Card of Bank Pass Book to ensure their identity,

(d) The petitioner shall report before the respondent police daily at 10.30 a.m. for a period of one week and thereafter, every Monday at 10.30 a.m., until further orders.

(e) The petitioner shall not commit any offences of similar nature.

(f) the petitioner shall not abscond either during investigation or trial.

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate / Trial Court is entitle to take appropriate action against the pettiitioner 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.**

(i) if the accused therafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this criminal original petition is ordered.

-sd/-
29/06/2020

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 JUDICIAL MAGISTRATE,
METTUPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE INSPECTOR OF POLICE,
ANNUR POLICE STATION,
COIMBATORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. J.FRANKLIN Advocate on payment of necessary charges

CRL OP.9547/2020

Date :29/06/2020

MN-RVR-17/08/2020

WEB COPY