

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.07.2020

CORAM :

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

Crl.O.P.No.10284 of 2020

Kamalahasan

... Petitioner

/versus/

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

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1222 of 2020 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

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

2. The case of the prosecution is that the petitioner suspecting that the victim is having affair with his wife, assaulted the victim and caused injuries to his private parts.

3.The learned counsel appearing for the petitioner would submit that as per F.I.R, the defacto complainant had stated that her husband was attacked by some unknown person and the petitioner has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner suspecting that the victim is having affair with his wife, he along with his friends has brutally attacked the victim and also caused injury in the private part of the victim. However, he would further submit that the injured has been discharged from the hospital and there are no previous cases against the petitioner.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels and period of incarceration from 04.06.2020, 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 learned Judicial Magistrate, Mettupalayam, 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 Magistrate may obtain a copy of their Aadhar card or 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 three weeks and thereafter, on 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 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];

(i) 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/-

08/07/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

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

CRL OP.10284/2020

Date :08/07/2020

RVR 28/08/2020

WEB COPY