

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 10778 of 2020

Guna Singh, M/A-29 years,
S/o.Kovil Pitchai,
D.No.22, Kannusamy 2nd Street,
Sanganoor, Rathinapuri,
Coimbatore District.

... Petitioner/3rd Accused

Vs.

The State represented by,
The Inspector of Police,
C-4 Rathinapuri Police Station,
Coimbatore District.
(Crime No.751 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.751 of 2020, pending investigation on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.T.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 07.06.2020 for the offences punishable under Sections 75 (1)(c) TNCP Act and under Sections 323, 324, 506(ii) and 307 of IPC in Crime No. 751 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant is that he has gone to his sister's house at Rathinapuri and the petitioner along with two other accused abused the defacto complainant in filthy language and assaulted him with Knife and Stones, resulting in defacto complainant sustaining injuries.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and the A1 and A2 are his brothers. He would submit that the petitioner was arrested on 07.06.2020 and that he is custody for more than a month. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit the petitioner along with his brothers assaulted the defacto complainant with Knife and Stones resulting in defacto complainant sustained injuries in his Knees and Shoulders. He would further submit that the injured has been discharged from the hospital and that there are two previous cases pending against the petitioner. Hence, he opposed to grant bail to the petitioner.

5 Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsel and considering the fact that the petitioner is in incarceration from 07.06.2020, 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 No.II, Coimbatore, 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. 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 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

(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/-
20/07/2020

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,
NO.II, COIMBATORE

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
C-4 RATHINAPURI POLICE STATION,
COIMBATORE DISTRICT,

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges SR NO. 5736

सत्यमेव जयते

WEB COPY

CRL OP.10778/2020

Date :20/07/2020

rd 21/07/2020