

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.07.2020

CORAM :

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

Crl.O.P.No.10892 of 2020

Godson

... Petitioner

Vs.

State Rep. by

The Inspector of Police

C-4 Rathinapuri Police Station

Coimbatore District

(Crime No.751 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.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 13.06.2020 for the offence punishable under Section 75 (1)(c) TNCP Act and under section 323, 324, 506(ii) and 307 of IPC in Crime No.751 of 2020, 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 the 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 further submit that the petitioner was arrested on 13.06.2020 and that he is custody for more than a month. He would further submit that the co-accused in this case has already been granted bail by this Court in Crl.O.P.No.10778/2020 vide order dated 20.07.2020.

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 is previous case 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 13.06.2020, 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 condition to execute 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 a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier,, 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 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/-
22/07/2020

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 CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S. W.CAMYLES GANDHI Advocate on payment of
necessary charges

CRL OP.10892/2020

Date :22/07/2020

MK:19/08/2020